

DIVISION 5 WATER COURT- APRIL 2023 RESUME

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

**23CW3032 GARFIELD COUNTY. Application for Finding of Reasonable Diligence.** Applicant: Kathy D. Weiss, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant requests a finding of reasonable diligence for development of the conditional water right decreed to the Weitzenkorn Well No. 1. Name of Structure: Weitzenkorn Well No. 1. Original Decree: 94CW118 (Ruling 2 of 2), Dist. Ct., Water Div. 5, entered on 08/07/1996. Subsequent Decrees: 02CW228 entered on 02/29/2004, 10CW75 entered on 10/11/2010, and 16CW3111 entered on 04/16/2017 in Dist. Ct., Water Div. 5. Decreed Location: located in the NE1/4 of the SW1/4 of Sec. 14, T. 7 S., R. 88 W. of the 6th P.M., at a point 1,965 ft. from the S. sec. line and 3,191 ft. from the E. sec. line of said Sec. 14. See Exhibit A on file with the Water Ct. The water right may divert at the Mary E Well No. 1 as an alternate point of diversion per the decree entered in 94CW118. The Mary E Well No. 1 is located in the NE1/4 of the SW1/4 of Sec. 14, T. 7 S., R. 88 W. of the 6th P.M. at a point 2,165 ft. from the S. sec. line and 3,191 ft. from the E. sec. line of Sec. 14. Source: **GROUNDWATER TRIBUTARY TO CATTLE CREEK, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER.** Date of Approp.: 05/31/1994. Decreed Amount: 15 gpm, conditional. Uses: Dom. use for up to two houses, stockwatering of up to six horses or livestock, and irr. of 0.41 acres (18,000 square feet). Legal Description of Irrigated Acreage: SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Sec. 14, T. 7 S., R. 88 W. of the 6th P.M. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Owner of Land Upon Which the Structure is Located: Applicant. (4 pages of original application, Exhibit A)

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2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

**23CW3033 SUMMIT COUNTY.** GoldenView Subdivision Homeowner's Association, Inc., c/o Austin Hamre, Esq. and Teri L. Pettit, Esq., Hamre, Rodriguez, Ostrander & Prescott, P.C., 188 Inverness Drive West, Suite 430, Englewood, Colorado 80112-5204, (303) 779-0200, [mail@hroplaw.com](mailto:mail@hroplaw.com), [ahamre@hroplaw.com](mailto:ahamre@hroplaw.com), [tpettit@hroplaw.com](mailto:tpettit@hroplaw.com). APPLICATION TO MAKE ABSOLUTE AND FOR A FINDING OF REASONABLE DILIGENCE. 2. NAME OF STRUCTURE. GoldenView Wells No. 1-30 (aka Jerusalem Placer Well right). 3. DESCRIPTION OF CONDITIONAL WATER RIGHTS. 3.1. GoldenView Wells No. 1-30. 3.1.1. Original Decree. November 8, 1988, Case No. 84CW304, District Court, Water Division 5, Colorado. 3.1.2. Decrees Finding Reasonable Diligence. (1) March 9, 1995, Case No. 94CW234, District Court, Water Division 5, Colorado; (2) August 20, 2002, Case No. 00CW224, District Court, Water Division 5, Colorado; (3) April 4, 2010, Case No. 08CW107, District Court, Water Division 5, Colorado; (4) April 16, 2017, Case No. 16CW3028, District Court, Water Division 5, Colorado. 3.1.3. Location. The point of diversion of the subject water right was changed in Water Division 5, Case No. 92CW009 to allow for individual wells on each of thirty (30) lots in the GoldenView Subdivision ("Subdivision"). The individual wells are or will be located within the GoldenView Subdivision which is located on the Jerusalem Placer (U.S. Mineral Survey No. 2567) and on an adjoining parcel of approximately 2 acres in the Southwest ¼ of Section 4, and the Southeast ¼ Southeast ¼ of Section 5, Township 7 South, Range 77 West of the 6<sup>th</sup> P.M. A map attached hereto as **Exhibit A** depicts the present location of the wells currently in existence. The legal description of each individual GoldenView well is provided in **Exhibit B**, attached hereto. 3.1.4. Source of water for GoldenView Wells No. 1-30. Illinois Gulch alluvium and bedrock which is tributary to Illinois Gulch, tributary to the Blue River, tributary to the Colorado River. 3.1.5. Appropriation Date. March 15, 1984. 3.1.6. Amount. The subject water right was originally decreed in Case No. 84CW304 for 70.0 g.p.m., conditional. Pursuant to the decree entered by this Court in Case No. 92CW009, the subject water right was changed from one point of diversion to thirty points of diversion at 2.0 g.p.m. each, for a total of 60.0 g.p.m., conditional. The remaining 10 g.p.m. was abandoned in Case No. 08CW107. 3.1.6.1. A total of 34.0 g.p.m. was made ABSOLUTE pursuant to the decree entered in Case No. 16CW3028. 3.1.6.2. A total of 26.0 g.p.m. remains CONDITIONAL. 3.1.7. Uses. Domestic and fire protection. The uses augmented under the decrees entered in Case Nos. 84CW305 and 92CW009 are limited to in-house use. 3.2. Appropriative Right of Exchange. The appropriative right of exchange allows the Applicant to replace depletions caused by withdrawals from the GoldenView Wells No. 1-30 to Illinois Gulch and the Blue River with water released to Soda Creek above Dillon Reservoir. 3.2.1. Original Decree. September 7, 1988, Case No. 84CW305, District Court, Water Division 5, Colorado. 3.2.2. Decrees Finding Reasonable Diligence. (1) March 9, 1995, Case No. 94CW234, District Court, Water Division 5, Colorado; (2) August 20, 2002, Case No. 00CW224, District Court, Water Division 5, Colorado; (3) April 4, 2010, Case No. 08CW107, District Court, Water Division 5, Colorado; (4) April 16, 2017, Case No. 16CW3028, District Court, Water Division 5, Colorado. 3.2.3. Legal Description of Exchange Reach. The reach of the appropriative right of exchange is from the confluence of Soda Creek with Dillon Reservoir located in Section 21, Township 5 South, Range 77 West of the 6<sup>th</sup> P.M., and from this point up the Blue River to its confluence with Illinois Gulch and up Illinois Gulch to the GoldenView Subdivision located on the

Jerusalem Placer (U.S. Mineral Survey No. 2567) and on an adjoining parcel of approximately 2 acres in the Southwest ¼ of Section 4, and the Southeast ¼ Southeast ¼ of Section 5, Township 7 South, Range 77 West of the 6<sup>th</sup> P.M. The uppermost point of depletion of the GoldenView Wells No. 1-30 is located at a point on Illinois Gulch located 340 feet from the back right pin on Lot 10 GoldenView lying perpendicular to the Creek. 3.2.4. Source of Substitute Supply. A portion of the consumptive use attributable to the historic use of the Vidler water rights as described in the decree entered in 84CW305, Water Division 5, Colorado. 3.2.5. Appropriation Date. September 28, 1984. 3.2.6. Amount. The amount of the exchange within the exchange reach is an annual demand of 0.7 acre-feet of water, at a maximum total exchange rate of 60.0 g.p.m., CONDITIONAL. 3.2.7. Use. The use of the exchange water is to replace depletions, resulting from out-of-priority diversions to Illinois Gulch and the Blue River caused by the operation of the GoldenView Wells No. 1-30 for domestic and fire protection purposes. 4. **DETAILED OUTLINE OF WHAT HAS BEEN DONE TOWARD COMPLETION OF THE APPROPRIATIONS AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED, INCLUDING EXPENDITURES.** 4.1. Findings of Reasonable Diligence. The Applicant has been diligent in the continued use and development of its conditional water right and right of exchange. During the subject diligence period, the Applicant and/or its members have made the following additional efforts to complete the appropriations and apply the water to beneficial use: 4.1.1. The Applicant paid its attorneys more than \$5,100 for legal work related to protecting, developing, and placing these water rights to beneficial use. 4.1.2. Four new homes have been constructed within the Subdivision, while another is currently under construction. 4.1.3. Four additional wells have been permitted, drilled, and constructed with totalizing flow meters at an approximate cost of \$80,000. 4.1.4. The above activities are necessary prerequisites to applying the subject water rights to the beneficial uses for which they were decreed, demonstrate the Applicant's diligence to fully develop and place such water rights to beneficial use, and entitle the Applicant to a continuation of these conditional water rights. 5. **CLAIM TO MAKE ABSOLUTE.** 5.1. Date Water Applied to Beneficial Use. During Applicant's prior Water Year from November 1, 2021 to October 31, 2022, Applicant's members diverted a maximum of 2.0 g.p.m. at four additional wells (GoldenView Well Nos. 16, 20, 24 and 27) and placed this water to the decreed beneficial uses. 5.2. Amount. Applicant requests that an additional 8.0 g.p.m. of the GoldenView Wells No. 1-30 water right be made absolute. Accounting provided by the Applicant to the Division Engineer on November 10, 2022, identifying the water diverted and used during the Applicant's 2021-2022 Water Year, is attached hereto as **Exhibit C**. 5.3. Uses. See paragraph 3.1.7., above. 5.4. Description of Place of Use Where Water Was Applied to Beneficial Use. See paragraph 3.1.3., above. 5.5. As required pursuant to paragraph 8 of the decree entered by the Court in Water Division 5, Case No. 08CW107, the Applicant secured legal title to the subject water rights and rights of exchange. Evidence of the transfer of ownership of these water rights to the Applicant is available for inspection upon request at the offices of Hamre, Rodriguez, Ostrander & Prescott, P.C. 5.6. In the alternative if this amount is not made absolute, the Applicant requests that a diligence finding be made to continue these amounts pursuant to the activities described above. 6. **NAMES AND ADDRESSES OF OWNERS OR REPUTED OWNERS OF THE LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED:** 6.1. The Applicant's members own the property where each of the facilities is or will be located. (15 pages with exhibits) **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of entry of appearance must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**3. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.**

**23CW3034** Applicant: Marvin Ray Carter, Jr. and Karen Eileen Carter, 14735 Oak Ben Drive, Houston, TX 77979. Please serve all pleadings on: Scott Holwick, Casey J. Weaver, Lyons Gaddis, P.C., P.O. Box 978, Longmont, Colorado 80502-0978, (303) 776-9900 [sholwick@lyonsgaddis.com](mailto:sholwick@lyonsgaddis.com), [cweaver@lyonsgaddis.com](mailto:cweaver@lyonsgaddis.com). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN SUMMIT COUNTY.** 2. Name of Structure: Summit Estates 3, Well No. 12, Well Permit No. 047091-F (the "Well"). 3. Description of the conditional Well: a. Original Decree: The District Court, Water Division No. 5, Garfield County, originally decreed the conditional water right in Case No. 93CW310 on April 18, 1995. b. Subsequent decrees awarding finding of diligence: The Court entered diligence decrees in Case No. 01CW118 on October 18, 2002, Case No. 08CW131 on September 18, 2010, and Case No. 16CW13 on April 16, 2017. c. Legal description of the Well: The decreed location for the Well is within the Summit Estates Subdivision, located in the NE ¼ of the SW ¼ of Section 16, Township 6 South, Range 77 West of the 6th P.M., Summit County, Colorado, 2,625 feet from the south section line and 2,000 feet from the west section line of Section 16. The legal description of the property on which the Well will be located is Lot 12, SUMMIT ESTATES, FILING NO. 3, County of Summit, State of Colorado. The street address of the property on which the Well will be located is 369 Outta Bounds Drive, Breckenridge, CO 80424. d. Source: Ground water tributary to the Swan River. e. Appropriation: i. Appropriation date: December 31, 1987. ii. Amount: 15 gpm, CONDITIONAL. f. Use: In-house domestic. g. Depth: 4.5 feet. 4. Status of the conditional Well. All portions of the Well remain conditional. 5. Claim in diligence: The Carters seek a decree finding that they have been diligent with respect to completing the appropriation of the conditional Well and that they are entitled to continue this conditional water right for another six-year diligence period. The Carters intend to construct a residence on the

property on which the Well will be located. The Well will provide water to the residence for in-house domestic use. In support of their claim for diligence, the Carters completed the following activities during the period from April 16, 2017 through the date of filing of this application the (“Diligence Period”) in furtherance of their development of the property and completion of the conditional water right: a. In February and June of 2019, the Carters paid property taxes in the amount of \$4,249.93. b. In August of 2019, the Carters paid homeowners’ association (“HOA”) fees in the amount of \$1,200.00. c. In February and June of 2020, the Carters paid property taxes in the amount of \$4,473.08. d. In July 2020, the Carters paid HOA fees in the amount of \$1,200.00. e. In February and June of 2021, the Carters paid property taxes in the amount of \$4,537.60. f. In September of 2021, the Carters paid HOA fees in the amount of \$1,200.00. g. In February and June of 2022, the Carters paid property taxes in the amount of \$5,704.08. h. In March of 2022, the Carters met with an architect, Michael Suman, in Vail, Colorado, to discuss the development of the property. i. In March of 2022, the Carters met with architects Shepperd Resources, Inc., in Edwards, Colorado, to discuss the development of the property. j. In July of 2022, the Carters paid HOA fees in the amount of \$1,200.00. k. In February of 2023, the Carters paid property taxes in the amount of \$2,880.92. l. In March of 2023, the Carters selected and met with a contractor to construct a residence on the property. m. In April of 2023, the Carters ordered a topographic survey to facilitate their development of the property. n. The Carters have scheduled a second meeting with the contractor, referred to above, to take place in May of 2023. 6. No claim to make the conditional Well absolute: At this time, the Carters do not claim to have made the conditional right absolute, either in whole or in part. 7. Name(s) and address(es) of owner(s) of land upon which any new diversion or storage structure, or modification to any existing diversion of storage structure is or will be constructed or upon which water is or will be stored: The Carters own the land upon which the Well will be located.

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**23CW3035 GRAND COUNTY.** The Reserve at Elkhorn Ridge Owners Association, c/o Jeffrey L. Browne, Treasurer, P.O. Box 66, Winter Park, CO 80482. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART AND FOR A FINDING OF REASONABLE DILIGENCE. Name of Structure: Urban Reservoir. Decreases: May 1, 1990 (89CW264); October 15, 1996 (96CW144); February 18, 2004 (02CW267); November 14, 2010 (10CW23); April 30, 2017 (16CW3143); all in Water Court Division No. 5. Legal Description: Urban Reservoir is located in a portion of the SE1/4 SE1/4 and the SW1/4 SE1/4, Section 16, Township 1 South, Range 75 West, 6<sup>th</sup> P.M., 1270 feet West of the East line and 1200 feet North of the South line of Section 16. Source: Urban Springs No. 1, 2, and 3 and water tributary to Ranch Creek, tributary to the Fraser River, tributary to the Colorado River. Appropriation Date: September 12, 1989. Amount: 10 acre-feet. Uses: Livestock watering, irrigation and fish propagation. Amount Claimed Absolute: 5 acre-feet. Amount Requested to be Continued Conditionally: 5 acre-feet. Additional Information: Applicant requests that the Court make absolute in the amount of 5 acre-feet the water right in Urban Reservoir, with the remaining 5 acre-feet continued conditionally. In the alternative, Applicant asks the Court to continue the entire storage right conditionally. The application and attached exhibits contain additional support for the absolute claim and a detailed outline of the work performed during the diligence period (8 pages).

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**23CW3036 (16CW3042, 06CW245) EAGLE COUNTY APPLICATION FOR FINDING OF REASONABLE DILIGENCE 1. Name and Address of Applicant**: Red Creek Trail Ranch, LLC, 16520 Eden Bridge, Belton, MO 64012, c/o David S. Hayes, Eric K. Trout, Hayes Poznanovic Korver, LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, Colorado 80202, (303) 825-1980, [dhayes@hpkwaterlaw.com](mailto:dhayes@hpkwaterlaw.com). **2. Name of conditional water rights**: A. Red Creek Pond No. 2. B. Red Creek Ditch No. 1. **3. Description of conditional water rights**: A. **Prior decrees**: The original decree for the Red Creek Pond No. 2 and Red Creek Ditch No. 1 (collectively, the “Conditional Water Rights”) was entered on June 18, 2010, in Case No. 06CW245, District Court, Water Division 5. A subsequent decree continuing the Conditional Water Rights was entered in Case No. 15CW3071, District Court, Water Division 5. A correction of the location of Red

Creek Pond No. 2 was confirmed by the decree entered on May 27, 2018, in Case No. 17CW3115, District Court, Water Division No. 5. B. **Legal description:** i. As decreed in Case No. 17CW3115, the as-built location of Red Creek Pond No. 2 is in the NE1/4 SE1/4 of Section 32, Township 6 South, Range 84 West, 6th P.M., 1,344 feet from the south section line and 1,525 feet from the east section line; UTM Northing 4372329.00 meters; UTM Easting 342041.56 meters as approximately depicted on **Exhibit A**, attached to the application and available for inspection at the office of the Division 5 Water Court Clerk or via CCE. ii. The Red Creek Ditch No. 1 point of diversion is located in Section 32, township 6 South, Range 84 West of the 6<sup>th</sup> P.M., at a point 50 feet from the south section line and 2550 feet from the east section line of said Section 32, as approximately depicted on **Exhibit A**. C. **Source: The source of water for the Conditional Water Rights is Red Creek, tributary of Gypsum Creek, tributary of Eagle River.** The Red Creek Pond No. 2 is an off-channel Pond filled from the Red Creek Ditch No. 1. D. **Appropriation date:** The appropriation date for the Conditional Water Rights is December 8, 2006. E. **Amount:** i. Red Creek Pond No. 2: 0.5 AF, conditional. ii. Red Creek Ditch No. 1: 3.0 c.f.s., of which 2.9 c.f.s. was previously made absolute and 0.1 c.f.s. remains conditional. F. **Uses:** i. Red Creek Pond No. 2: Livestock and wildlife watering, fire protection, piscatorial, augmentation and irrigation of 40 acres around said pond, with the right to fill and refill in priority. ii. Red Creek Ditch No. 1: Irrigation of 40 acres in and around Red Creek Pond No. 2, livestock and wildlife watering, fire protection, augmentation and storage in Red Creek Pond No. 2. G. **Remarks:** The Red Creek Pond No. 2 is part of the plan for augmentation approved in Case No. 06CW245, District Court, Water Division No. 5. 4. **Detailed outline of work done to complete project and apply water to beneficial use:** During the diligence period (April 2017 to present), Applicant took steps to develop the Conditional Water Rights, including, without limitation, the activities set forth in the Application, available for inspection at the office of the Division 5 Water Court Clerk or via CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 5. **Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** The Red Creek Pond No. 2 is located on land owned by the Applicant. The headgate of the Red Creek Ditch No. 1 is located on land owned by Red Creek Ranch, 1115 Hornsilver Dr., Vail, CO 81657-5112. **WHEREFORE**, Applicant respectfully requests that the Court enter a decree finding reasonable diligence for and continuing in full force and effect the conditional water rights for the Red Creek Pond No. 2 and the Red Creek Ditch No. 1 and granting such further relief as the Court deems just and proper.

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**6. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.**

**23CW3037 GRAND COUNTY, COLORADO.** Sunset Ridge Estates Homeowners Association, c/o Kris Schneider, President, P.O. Box 1192, Fraser, CO 80442. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. **APPLICATION FOR CORRECTION OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINTS OF DIVERSION PURSUANT TO C.R.S. §37-92-305(3.6).** This Application seeks a correction to established but erroneously described points of diversion for the water rights associated with Sunset Ridge Estates Well Nos. 3, 5, and 7. The legal descriptions of the points of diversion for Sunset Ridge Estates Well Nos. 3, 5, and 7 as set forth in prior Decrees and most recently in the Decree in Case No. 21CW3066 do not coincide with the actual physical locations of the wells. Applicant therefore seeks to correct these erroneous legal descriptions in accordance with C.R.S. § 37-92-305(3.6). **Name of Structures:** Sunset Ridge Estates Well Nos. 3, 5, and 7. **Decrees:** January 19, 1995 (94CW046); December 31, 2001 (01CW007); December 3, 2008 (07CW216); April 25, 2015 (14CW3159); October 31, 2021 (21CW3066); all in Water Division No. 5. **Legal description of structures as described in most recent decree that adjudicated the locations:** **Sunset Ridge Estates Well No. 3**, to be located in the SE1/4NW1/4 of Section 8, Township 1 South, Range 75 West of the 6th P.M. This well will be constructed approximately 2200 feet South and 3880 feet West of the NE corner of said Section 8, Township 1 South, Range 75 West of the 6th P.M. in Grand County, Colorado. **Sunset Ridge Estates Well No. 5**, to be located in the SE1/4SW1/4 of Section 8, Township 1 South, Range 75 West of the 6th P.M. This well will be constructed approximately 5130 feet South and 3780 feet West of the NE corner of said Section 8, Township 1 South, Range 75 West of the 6th P.M. in Grand County, Colorado. **Sunset Ridge Estates Well No. 7**, to be located in the NE1/4SE1/4 of Section 8, Township 1 South, Range 75 West of the 6th P.M. This well will be constructed approximately 3480 feet South and 800 feet West of the NE corner of said Section 8, Township 1 South, Range 75 West of the 6th P.M. in Grand County, Colorado. **Source:** The source of water is wells to be constructed in Upper Troublesome formation and/or alluvium of sand, gravel or other sedimentary materials hydraulically connected to Ranch Creek, then Fraser River, then Colorado River. **Appropriation Date:** March 30, 1994. **Amount:** 15 gallons per minute ("g.p.m.") per well, annual diversions for each well will not exceed 0.36 acre-feet. The total diversions for Sunset Ridge Estates Well Nos. 1-10 is limited to 3.55 acre-feet per year ("af/yr"). **Decreed uses:** Household and livestock watering. **Depth:** Sunset Ridge Estates Well No. 3: 300 feet; Sunset Ridge Estates Well No. 5: 275 feet; Sunset Ridge Estates Well No. 7: 285 feet. **Detailed description of proposed correction:** Applicant is a "diverter" as that term is defined in C.R.S. § 37-92-305(3.6)(a)(I). As

originally set forth in Case No. 94CW046, Applicant is the Homeowners Association that has decreed underground water rights, appropriative rights of exchange, and an augmentation plan to serve residents within the subdivision's boundaries. The points of diversion for Sunset Ridge Estates Well Nos. 3, 5, and 7 are established but erroneously described points of diversion, as that term is defined in C.R.S. § 37-92-305(3.6)(a)(II): Sunset Ridge Estates Well Nos. 3, 5, and 7 have been in the same physical locations since they were originally drilled; the wells were drilled before the Decree in Case No. 21CW3066 most recently confirmed the water right associated with these wells. Sunset Ridge Estates Well Nos. 3, 5, and 7 are physically located in excess of 200 feet from the locations specified in the Decrees referenced above. The residents of the subject properties have diverted water at the physical locations of the points of diversion for Sunset Ridge Estates Well Nos. 3, 5, and 7 with the intent to divert pursuant to the Decrees referenced above. Applicant is authorized under C.R.S. § 37-92-305(3.6)(d)(IV) to apply for a correction to the established but erroneously described points of diversion for Sunset Ridge Estates Well Nos. 3, 5, and 7. The points of diversion for Sunset Ridge Estates Well Nos. 3, 5, and 7 are already in place, and the subject water is diverted at the corrected points of diversion. In accordance with C.R.S. § 37-92-305(3.6)(d)(V), this Application for a correction to the established but erroneously described points of diversion for Sunset Ridge Estates Well Nos. 3, 5, and 7 does not include an action seeking any other type of change of water right or diligence proceeding or application to make a water right absolute. Applicant meets the requirements set forth in C.R.S. § 37-92-305(3.6)(a) regarding correction to established but erroneously described points of diversion. Accordingly, Applicant is entitled to a presumption that the corrections requested herein will not cause an enlargement of the historical use associated with the water rights diverted at the points of diversion, and that the change does not injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right. C.R.S. § 37-92-305(3.6)(e). Applicant respectfully requests that the Court enter a Decree correcting the established but erroneously described points of diversion for Sunset Ridge Estates Well Nos. 3, 5, and 7 to the following corrected points of diversion: **Sunset Ridge Estates Well No. 3:** The SW1/4 NW1/4, Section 8, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., a distance of 718 feet from the West line and 2,102 feet from the North line of said Section 8. UTM Coordinates: NAD83, Zone 13, Easting: 430810 Northing: 4425328. **Sunset Ridge Estates Well No. 5:** The SE1/4 SW1/4, Section 8, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., a distance of 1,686 feet from the West line and 216 feet from the South line of said Section 8. UTM Coordinates: NAD83, Zone 13, Easting: 431105 Northing: 4424411. **Sunset Ridge Estates Well No. 7:** The NW1/4 SE1/4, Section 8, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., a distance of 1,348 feet from the East line and 1,793 feet from the South line of said Section 8. UTM Coordinates: NAD83, Zone 13, Easting: 431766 Northing: 4424885. The Application and Exhibit contain additional details, including a map depicting the physical locations of the points of diversion for Sunset Ridge Estates Well Nos. 3, 5, and 7, as compared to the previously decreed locations for these rights (8 pages).

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**23CW3038 EAGLE COUNTY. Application for Finding of Reasonable Diligence.** Applicant Eagle Springs Golf Club, c/o Christopher L. Geiger and Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant requests a finding of reasonable diligence in the development of the Golf Well No. 1. A map of the structure and the Applicant's property as Exhibit A is on file with the Water Ct. Claim for Finding of Reasonable Diligence. Name of Structure: Golf Well No. 1. Original Decree: 93CW189, entered on 04/02/1996, by the Dist. Ct., Water Div. No. 5. Subsequent Decrees: 02CW109, entered on 09/09/2003; 09CW122, entered on 09/17/2010; and Case No. 16CW3100, entered on 04/16/2017, Dist. Ct., Water Div. No. 5. Legal Description: SW1/4 SE1/4, Sec. 23, T. 4 S., R. 83 W., 6th P.M. at a point 1,080 ft. from the S. line and 2,480 ft. from the E. line of said Sec. 23. Source: **Eagle River Alluvium**. Date of Approp.: 12/17/1993. Uses: Dom., commercial, irr. (Up to 3,000 square ft.), fire protection for two single-family residences, a clubhouse, and a maintenance facility associated with a golf course. Amt.: 100 g.p.m., of which 60 g.p.m. are absolute, and 40 g.p.m. remain conditional. Total diversions are limited to 2.5 AF annually. Depth: Less than 10 ft. Integrated System: The above-described structure is part of an integrated water supply for the Eagle Springs Golf Club. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Owner of land upon which the structure is located: Applicant. (5 pages of original application, Exhibit A)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

8. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

**23CW3039 EAGLE COUNTY. Application for Finding of Reasonable Diligence and to Make Absolute.** Applicants: Doris J. Allen-Kirchner Revocable Trust & John P. Kirchner Revocable Trust c/o Christopher L. Geiger & Andrea J. Hall, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicants seek a finding of reasonable diligence in the development of their interests in the Kirchner Main Pond, Kirchner House Pond, Kirchner Well, and Kirchner Exchange, collectively referred to herein as the "Subject Water Rights." Applicants further request the Kirchner Exchange be confirmed absolute in part, as described below. Name of Structure: Kirchner Main Pond. Original Decree: 09CW95, Dist. Ct., Water Div. 5, entered on 09/17/2010. Subsequent Decrees: 12CW189 entered on 02/09/2014 and 16CW3097 entered on 04/17/2017, in Dist. Ct., Water Div. 5. Location: The center of the dam is located in the NW1/4 SE1/4, Sec. 1, T. 2 S., R. 84 W. of the 6th P.M. at a point 1,685 ft. from the S. Sec. line and 1,942 ft. from the E. Sec. line of said Sec. 1. **Sources: Unnamed tributary of the CO River**, per decree in 09CW95; The CO River, per decree in 12CW189. If Off-Channel Reservoir, Name and Capacity of Structures Used to Fill Reservoir: Kirchner Ditch: 0.15 c.f.s., per decree in 09CW95; Kirchner Pump and Pipeline: 0.15 c.f.s., per decree in 12CW189. Legal Description of Points of Diversion for Structures Used to Fill Reservoir: Kirchner Ditch: Located in the NW1/4 SE1/4 of Sec. 1, T. 2 S., R. 84 W. of the 6th P.M., at a point 1,745 ft. from the S. Sec. line and 2,049 ft. from the E. Sec. line of said Sec. 1. Kirchner Pump and Pipeline: Located in the SW1/4 SE1/4 of Sec. 1, T. 2 S., R. 84 W. of the 6th P.M. at a point 1,222 ft. from the S. Sec. line and 2,076 ft. from the E. Sec. line. Date of Approp.: 08/25/2009. Decreed Amt.: 0.657 AF absolute, and 0.693 AF, conditional. Rate of Diversion for Filling the Reservoir: 0.15 c.f.s. Uses: Dom., irr., aesthetic, rec., livestock watering, piscatorial and fire protection. Number of Acres Irrigated: 2 acres total, cumulative with all other irr. water rights confirmed in 09CW95 and 12CW189. Legal Description of Irrigated Acreage: 2 acres located in the NW1/4 SE1/4, Sec. 1, T. 2 S., R. 84 W. of the 6th P.M. as depicted on the map as Figure 1 on file with the Water Ct. Physical Properties of Dam: Surface Area of High-Water Line: 0.25 acres. Vertical Height of Dam: 4.6 ft. Length of Dam in Ft.: 200 ft. Total Capacity of Reservoir in Acre Ft.: 1.35 AF. Active Capacity: 0.85 AF. Dead Storage: 0.50 AF. Remarks: Applicants may fill and continuously refill the Kirchner Main Pond to maintain its full capacity as necessary to replace seepage, evaporation losses, and releases for beneficial use, in accordance with the decreed plan for aug. in 09CW95 and 12CW189. Name of Structure: Kirchner House Pond. Original Decree: 09CW95, Dist. Ct., Water Div. 5, entered on 09/17/2010. Subsequent Decrees: 12CW189 entered on 02/09/2014 and 16CW3097 entered on 04/17/2017, in Dist. Ct., Water Div. 5. Location: The center of the dam is located in the NW1/4 SE1/4, Sec. 1, T. 2 S., R. 84 W. of the 6th P.M. at a point 2,175 ft. from the S. Sec. line and 1,695 ft. from the E. Sec. line of said Sec. 1. Sources: Unnamed tributary of the CO River, per decree in 09CW95; The CO River, per decree in 12CW189. If Off-Channel Reservoir, Name and Capacity of Structures Used to Fill Reservoir: Kirchner Ditch: 0.15 c.f.s., per decree in 09CW95, pumped to Kirchner House Pond after delivery into the Kirchner Main Pond; Kirchner Pump and Pipeline: 0.15 c.f.s., per decree in 12CW189 pumped to Kirchner House Pond after delivery into the Kirchner Main Pond. Legal Description of Points of Diversion for Structures Used to Fill Reservoir: Kirchner Ditch: Located in the NW1/4 SE1/4 of Sec. 1, T. 2 S., R. 84 W. of the 6th P.M., at a point 1,745 ft. from the S. Sec. line and 2,049 ft. from the E. Sec. line of said Sec. 1. Kirchner Pump and Pipeline: Located in the SW1/4 SE1/4 of Sec. 1, T. 2 S., R. 84 W. of the 6th P.M. at a point 1,222 ft. from the S. Sec. line and 2,076 ft. from the E. Sec. line. Date of Approp.: 08/25/2009. Decreed Amt.: 0.137 AF, absolute, and 1.063 AF conditional. Rate of Diversion for Filling the Reservoir: 0.15 c.f.s. Uses: Dom., irr., aesthetic, rec., livestock watering, piscatorial and fire protection. Number of Acres Irrigated: 2 acres total, cumulative with all other irr. water rights confirmed in 09CW95 and 12CW189. Legal Description of Irrigated Acreage: 2 acres located in the NW1/4 SE1/4, Sec. 1, T. 2 S., R. 84 W. of the 6th P.M. as depicted on the map as Figure 1 on file with the Water Ct. Physical Properties of Dam: Surface Area of High-Water Line: 0.2 acres. Vertical Height of Dam: 4.0 ft. Length of Dam in Ft.: 370 ft. Total Capacity of Reservoir in Acre Ft.: 1.20 AF. Active Capacity: 0.90 AF. Dead Storage: 0.30 AF. Name of Structure: Kirchner Well. Original Decree: 09CW95, Dist. Ct., Water Div. 5, entered on 09/17/2010. Subsequent Decrees: 16CW3097 entered on 04/17/2017, in Dist. Ct., Water Div. 5. Legal Description of Points of Diversion: In the NW1/4 SE1/4 of Sec. 1, T. 2 S., R. 84 W. of the 6th P.M., at a point 1,812 ft. from the S. Sec. line and 1,994 ft. from the E. Sec. line of said Sec. 1. **Source: Groundwater tributary to CO River.** Depth of Well: 435 ft. Date of Approp.: 08/25/2009. Decreed Amt.: 0.033 c.f.s. (15 g.p.m.), conditional. Uses: Dom. use in two single-family homes, irr., livestock watering, and fire protection. Number of Acres Irrigated: 2 acres total, in combination with all other irr. water rights confirmed in 09CW95 and 12CW189. Legal Description of Irrigated Acreage: 2 acres within the Property, located in the NW1/4 SE1/4, Sec. 1, T. 2 S., R. 84 W. of the 6th P.M. as depicted on the map as Figure 1 on file with the Water Ct. Name of Structure: Kirchner Exchange. Original Decree: 09CW95, Dist. Ct., Water Div. 5, entered on 09/17/2010. Subsequent Decrees: 12CW189 entered on 02/09/2014 and 16CW3097 entered on 04/17/2017, in Dist. Ct., Water Div. 5. Exchange Termini: The Kirchner Exchange Reach 1: Upstream Terminus, Wolford Mountain Reservoir Releases: The point of diversion for the Kirchner Ditch, which is located in the NW1/4 SE1/4 of Sec. 1, T. 2 S., R. 84 W. of the 6th P.M., at a point 1,745 ft. from the S. Sec. line and 2,049 ft. from the E. Sec. line of said Sec. 1. Downstream Terminus: At the confluence of the unnamed tributary to the CO River, from which the Kirchner Ditch diverts, and the CO River, which is located in the SW1/4 SE1/4 of Sec. 1, T. 2 S., R. 84 W. of the 6th P.M., at a point 1,290 ft. from the S. Sec. line and 1,998 ft. from the E. Sec. line of said Sec. 1. The Kirchner Exchange Reach 2: Upstream Terminus, the Kirchner Pump and Pipeline: The point of diversion is located in the SW1/4 SE1/4 of Sec. 1, T. 2 S., R. 84 W. of the 6th P.M. at a point 1,222 ft. from the S. Sec. line and 2,076 ft. from the E. Sec. line of said Sec. 1. Downstream Terminus, Ruedi Reservoir Releases: At the confluence of the CO River and the Roaring Fork River, which is located in the SE1/4 NW1/4 of Sec. 9, T. 6 S., R. 89 W. of the 6th P.M., at a point 2,102 ft. from the North Sec. line and 2,312 ft.

from the W. Sec. line of said Sec. 9. The Kirchner Exchange Reach 3: Upstream Terminus, Kirchner Ditch: The point of diversion is located in the NW1/4 SE1/4 of Sec. 1, T. 2 S., R. 84 W. of the 6th P.M., at a point 1,745 ft. from the S. Sec. line and 2,049 ft. from the E. Sec. line of said Sec. 1. Downstream Terminus, Ruedi Reservoir Releases: At the confluence of the CO River and the Roaring Fork River, which is located in the SE1/4 NW1/4 of Sec. 9, T. 6 S., R. 89 W. of the 6th P.M., at a point 2,102 ft. from the North Sec. line and 2,312 ft. from the W. Sec. line of said Sec. 9. Date of Approp.: 08/25/2009. Decreed Amt.: 0.15 c.f.s., conditional. Remarks: The Kirchner Well, which is also a structure augmented by exchange in the decreed plan for aug., is within the exchange reaches described above. When the replacement source is Wolford Mountain Reservoir, no exchange is necessary to augment the Kirchner Pump and Pipeline because replacement water is delivered from Wolford Mountain Reservoir to the CO River above the point of diversion for the Kirchner Pump and Pipeline. Nested Exchanges: The Kirchner Exchange Reach 1 is nested within the Kirchner Exchange Reach 3 Integrated System: In 09CW95 and 12CW189, the Subject Water Rights were confirmed as part of an integrated system of water rights including a plan of aug. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). Applicants have diligently pursued development of the Subject Water Rights. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Second Claim to Make Absolute. Summary of Claim: Applicants augmented out-of-priority depletions through use of the Kirchner Exchange, within and through Reach 2, for the benefit of the Kirchner Pump and Pipeline diverting from the CO River, as described above. Applicants request a finding that the conditional Kirchner Exchange Reach 2 be confirmed absolute by its application to beneficial use as follows: Structure: Kirchner Exchange Reach 2, as described above. Date of Beneficial Use: 07/11/2021 through 07/31/2021. Records maintained by the CO DWR indicate that several administrative calls were enforced during this time for the benefit of various priorities senior to those of the Kirchner Pump and Pipeline, including priorities decreed to the Grand Valley Canal water rights from 07/21/2021 to 07/22/2021. During this call period, the Kirchner Exchange within Reach 2 operated as aug. releases were introduced to the river system for the benefit of the downstream calling rights using supplies from Ruedi Reservoir, as described above, pursuant to the Plan for Augmentation as confirmed in 12CW0189. Uses: Aug., by exchange, of out-of-priority diversions by the Kirchner Pump and Pipeline. Amt Claimed as Absolute: 0.15 c.f.s. WHEREFORE, Applicants respectfully request the Ct. enter a Decree: (1) finding that Applicants have been reasonably diligent in the development of the conditional subject water rights; (2) canceling the remaining conditional rights for the Kirchner Main Pond in the amt. of 0.693 AF and the Kirchner House Pond in the amt. of 1.063 AF; (3) continuing the conditional water right for the Kirchner Well in the amt. of 0.033 c.f.s.; (4) continuing the conditional water right for the Kirchner Exchange Reaches 1 and 3 in the amt. of 0.15 c.f.s., respectively; (5) confirming the Kirchner Exchange Reach 2 absolute for the decreed amt. and uses as noted above; and (6) for such other relief as the Ct. deems proper. (10 pages of original application, Figure 1)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**23CW3040 GRAND COUNTY, COLORADO. APPLICATION FOR UNDERGROUND WATER RIGHTS, EXCHANGE PROJECT, AND APPROVAL OF A PLAN FOR AUGMENTATION.** William and Sharon Spurlin, P.O. Box 677, Granby, CO 80446. Applicants are represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. Claim for Underground Water Rights – Spurlin Well Nos. 1 and 2. Type of Structures: Wells. Name of Wells: Spurlin Well No. 1 and Spurlin Well No. 2. Permit Information: Spurlin Well No. 1 is currently permitted under Permit No. 145167, issued August 29, 1986. Depth: Spurlin Well No. 1: 105 feet. Spurlin Well No. 2 has not yet been drilled. Legal Description: Spurlin Well No. 1: NE1/4 NE1/4 of Section 31, Township 2 North, Range 76 West of the 6<sup>th</sup> P.M., at a point described as Zone 13, NAD 83, Easting 419606 m, Northing 4438800 m. Spurlin Well No. 2: NE1/4 NE1/4 of Section 31, Township 2 North, Range 76 West of the 6<sup>th</sup> P.M. Applicant reserves the right to locate Spurlin Well No. 2 anywhere on the subject property. The final as-built location of the Spurlin Well No. 2 will be identified at the time the well is permitted and/or made absolute. Applicants seek a finding that Spurlin Well No. 1 may serve as an alternate point of diversion for Spurlin Well No. 2, and Spurlin Well No. 1 may serve as an alternate point of diversion for Spurlin Well No. 1. Source: Ground water tributary to the Fraser River, tributary to the Colorado River. Date of Appropriation: Spurlin Well No. 1: As to indoor household use: August 15, 1986, by submission of Water Well Permit Application. Spurlin Well No. 1 is an existing exempt well pursuant to C.R.S. § 37-92-602(3)(b)(II)(A), and an absolute water right is sought pursuant to C.R.S. § 37-92-602(4). As to irrigation, hot tub, and stock watering uses: January 11, 2023. Spurlin Well No. 2: January 11, 2023 for indoor household, irrigation, hot tub, and stock water uses. How January 11, 2023 appropriation was initiated: Approval by the Board of Directors of the Middle Park Water Conservancy District of Applicants' request for an augmentation water contract. Amount: Spurlin Well No. 1: 15 g.p.m. total; 4 g.p.m. absolute, 11 g.p.m. conditional for indoor household use. 15 g.p.m., conditional for irrigation, hot tub, and stock watering uses. Spurlin Well No. 2: 15 g.p.m., conditional for indoor household, irrigation, hot tub and stock watering uses. Total diversions are limited to 0.617 acre-foot per year ("af/yr") for both wells. Uses: Household use in two single-family



residences, irrigation of up to 1,750 square feet of outdoor landscaping combined for both residences, hot tubs, and stock watering of up to four horses. Request for Plan for Augmentation Including Exchange: Applicants seek approval of a plan to augment out-of-priority depletions attributable to Spurlin Well Nos. 1 and 2 by exchange. The Middle Park Water Conservancy District has approved a Water Allotment Contract to provide Applicants an annual entitlement of up to 0.2 acre-feet of water in total, to be released from supplies in either Granby Reservoir or Wolford Mountain Reservoir. Structures to be Augmented: Spurlin Well Nos. 1 and 2, as described above. Water Rights to be Used for Augmentation and Exchange: Augmentation water will be provided by Granby Reservoir or Wolford Mountain Reservoir to replace depletions to the Colorado River caused by Applicants' diversion, in amounts as determined by the Division Engineer, and at such times as diversions by Applicants would ordinarily be curtailed due to the call of senior downstream water rights. Plan for Augmentation Including Exchange Project Right: Name of Exchange Project: Spurlin Well Exchange. Appropriation Date: January 11, 2023. Rate of Exchange: 0.00018 c.f.s., limited to 0.2 af/yr, conditional. Exchange Reach: Upstream Terminus: The point where the depletions from Spurlin Well Nos. 1 and 2 accrue to the Fraser River, at a point located on or near the SE1/4 SW1/4 of Section 31, Township 2 North, Range 76 West of the 6<sup>th</sup> P.M., at a point described as Zone 13, NAD 83, Easting 418967 m, Northing 4437660 m. Downstream Termini: Granby Reservoir Exchange: The confluence of Granby Reservoir and the Colorado River, currently located at a point in the NE1/4 SE1/4 of Section 11, Township 2 North, Range 76 West of the 6<sup>th</sup> P.M., at a point described as Zone 13, NAD 83, Easting 426099 m, Northing 4444319 m. Wolford Mountain Reservoir Exchange: The confluence of the Colorado River and Muddy Creek, currently located at a point in the NW1/4 NE1/4, Section 19, Township 1 North, Range 80 West, 6<sup>th</sup> P.M., at a point described as Zone 13, NAD 83, Easting 380748 m, Northing 4433448 m. Additional Information: The Application and exhibits set forth detailed information about the underground water rights and proposed plan for augmentation, including Applicants' estimated water requirements, consumptive uses, and delayed impacts. (21 pages).

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**23CW3041– EAGLE COUNTY – APPLICATION FOR CHANGE OF WATER RIGHT TO ADD ALTERNATE POINTS OF DIVERSION. 1. Name, Mailing Address, E-mail Address, and Phone Number of Applicants.** Roundup River Ranch c/o Ryan Pendergast, Facilities Manager, P.O. Box 8589, Avon, Colorado 81620-8520, Phone: 970-524-5726, E-mail: rpendergast@roundupriverranch.org; Clayton Delbert Stump Jr. and Connie L. Stump, 8778 Colorado River Road, Gypsum, Colorado 81637-9638, Phone: 970-524-9442, E-mail: conniestump28@gmail.com; Bradford L. Stiles and Kindra L. Stiles, 8831 Colorado River Road, Gypsum, Colorado 81637-9649, Phone: 970-306-3395, E-mail: bs11@live.com. Copies of all pleadings to: David F. Bower, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. **2. Description of Water Right to be Changed.** (a) Name of Structure. Carl Ditch [WDID 5300525]. (b) Original and Subsequent Decrees. The Carl Ditch was originally decreed for 0.25 cfs, absolute, and 1.15 cfs, conditional, in Civil Action No. 560, in the Eagle County District Court, dated November 10, 1913. The 1.15 cfs conditional right was recognized as absolute by the decree entered in Case No. 80CW23, Water Division 5, dated September 29, 1980. (c) Decreed Location. At a point whence the SE1/4 of the NE1/4 SE1/4 of Section 34, Township 3 South, Range 86 West of the 6<sup>th</sup> P.M., bears east 720 feet. (d) **SOURCE. COLORADO RIVER.** (e) Appropriation Date. April 7, 1892. (f) Amount. 1.4 cfs, absolute. (g) Use. Irrigation. **3. Description of Proposed Change.** Applicants request that the Carl Ditch water right be granted two alternate points of diversion downstream of the originally decreed headgate to continue to be diverted and beneficially used for irrigation purposes. The alternate points of diversion are described as follows: (a) Roundup River Ranch Pump Station. The Roundup River Ranch Pump Station is an existing point of diversion originally decreed to Roundup River Ranch in Case No. 07CW138, Water Division 5. The Roundup River Ranch Pump Station is located in the SE1/4 NW1/4 of Section 3, Township 4 South, Range 86 West of the 6<sup>th</sup> P.M., at a point described as Zone 13, NAD83, Easting 326511.7, Northing 4400185.5. (b) Stump-Stiles Pump Station. The Stump-Stiles Pump Station is a planned point of diversion for the Stumps and Stiles to divert the Carl Ditch water right. The Stump-Stiles Pump Station will be located in the NW1/4 SE1/4 of Section 3, Township 4 South, Range 86 West of the 6<sup>th</sup> P.M., at a point described as Zone 13, NAD83, Easting 326677.0, Northing 4399667.0. **4. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located.** Both the Roundup River Ranch Pump Station and the Stump-Stiles Pump Station are on land owned by Roundup River Ranch. **WHEREFORE,** Applicants respectfully request that the Court (1) find that there will be no injury to any owner of or person entitled to use water under a vested water right or conditionally decreed water right as a result of the requested change of water right described above; and (2) grant the change of water rights requested above by approving alternate points of diversion for the Carl Ditch. (4 pages plus exhibit)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's**



attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

**11. PURSUANT TO C.R.S. § 37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right changed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**23CW3042 GRAND COUNTY, COLORADO.** Lynda Tracee Lorens, 772 Jamacha Road, Suite 304, El Cajon, CA 92109. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. **APPLICATION FOR CORRECTION OF AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO C.R.S. §37-92-305(3.6).** This Application seeks a correction to an established but erroneously described point of diversion for the water right associated with Lorens Well No. 1. The legal description of the point of diversion for Lorens Well No. 1 as set forth in prior Decrees and most recently in the Decree in Case No. 20CW3090 does not coincide with the actual physical location of that well. Applicant therefore seeks to correct the erroneous legal description in accordance with C.R.S. § 37-92-305(3.6). Name of Structure: Lorens Well No. 1. Decrees: July 6, 2000 (99CW191); January 16, 2008 (06CW129); August 10, 2014 (14CW3005); January 30, 2021 (20CW3090); all in Water Division No. 5. Legal description of structure as described in most recent decree that adjudicated the location: LORENS WELL NO. 1 is located in Grand County, Colorado, in the NE1/4 of the SW1/4, Section 13, Township 3 North, Range 76 West, 6<sup>th</sup> P.M., 2,200 feet from the South Section line and 1,460 feet from the West Section line. Street Address: 12206 U.S. Highway 34, Grand Lake, Colorado 80447. Source: Ground water from alluvium sand, gravel and other sedimentary materials hydraulically connected to the Colorado River. Appropriation date: January 14, 1999. Amount: 15 gallons per minute (“g.p.m.”), conditional, 1.0 acre-foot per year (“af/yr”). Decreed uses: Commercial and irrigation of 1.48 acres. Detailed description of proposed correction to an established but erroneously described point of diversion: Applicant is a “diverter” as that term is defined in C.R.S. § 37-92-305(3.6)(a)(I). The Application includes information regarding the ownership and transfers of the land and water rights associated with Lorens Well No. 1, beginning with the Applicant in Case No. 99CW191 and ending with the current owner, the Applicant in the present case. The point of diversion for Lorens Well No. 1 is an established but erroneously described point of diversion, as that term is defined in C.R.S. § 37-92-305(3.6)(a)(II): Lorens Well No. 1 has been in the same physical location since before the year 2000, when this Court issued the original Decree for the Lorens Exchange. Lorens Well No. 1 is physically located approximately 278 feet from the location specified in the Decrees referenced above. Applicant and Applicant’s predecessors have diverted water at the physical location of the point of diversion for Lorens Well No. 1 with the intent to divert pursuant to the Decrees referenced above. Applicant is authorized under C.R.S. § 37-92-305(3.6)(d)(IV) to apply for a correction to the established but erroneously described point of diversion for Lorens Well No. 1. The point of diversion for Lorens Well No. 1 is already in place, and the water right is diverted at the corrected point of diversion. In accordance with C.R.S. § 37-92-305(3.6)(d)(V), this Application for a correction to the established but erroneously described point of diversion for Lorens Well No. 1 does not include an action seeking any other type of change of water right or diligence proceeding or application to make a water right absolute. Applicant meets the requirements set forth in C.R.S. § 37-92-305(3.6)(a) regarding correction to an established but erroneously described point of diversion. Accordingly, Applicant is entitled to a presumption that the correction requested herein will not cause an enlargement of the historical use associated with the water right diverted at the point of diversion, and that the change does not injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right. C.R.S. § 37-92-305(3.6)(e). Applicant respectfully requests that the Court enter a Decree correcting the established but erroneously described point of diversion for Lorens Well No. 1 to the following corrected point of diversion: **Corrected legal description of point of diversion:** A point located in the NE1/4 SW1/4 of Section 13, Township 3 North, Range 76 West of the 6<sup>th</sup> P.M., Grand County, Colorado, at the following UTM coordinates: NAD83, Zone 13: Easting: 427032 Northing: 4452500. Applicant has given notice of this Application at least 14 days before making the Application, by certified mail return receipt requested, to owners of record of all wells within 600 feet of the corrected location of Lorens Well No. 1. C.R.S. § 37-90-137(2)(b)(II). The Application and Exhibit contain additional details, including maps depicting the physical location of the point of diversion for Lorens Well No. 1, as compared to the previously decreed location for this right (20 pages).

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**12. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**23CW3043 (16CW3043, 07CW231) MESA COUNTY APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE 1.** Applicant: Merial Currier Vander Laan, P.O. Box 27059, Denver, Colorado

80227. Please direct all pleadings and correspondence to Applicant's counsel, William H. Caile, Holland & Hart LLP, 555 17th St. #3200, Denver, CO 80202. Telephone: (303) 295-8000. Email: [whcaile@hollandhart.com](mailto:whcaile@hollandhart.com). 2. Names of Structures/Water Rights: a. Donna Spring and Pipeline Use Enlargement. b. Currier Augmentation Exchange. 3. Background: In Case No. 07CW231, Water Division 5, Applicant was awarded conditional water rights for the Donna Spring and Pipeline Use Enlargement and the Currier Reservoir No. 2 Augmentation Use Enlargement, and approval of a plan for augmentation, including a conditional appropriative right of exchange for the Currier Augmentation Exchange. In Case No. 16CW3043, this Court entered a decree making the Donna Spring and Pipeline Use Enlargement partially absolute for irrigation use; making the Currier Reservoir No. 2 Augmentation Use Enlargement absolute in its entirety; and continuing the remaining conditional portions of the Donna Spring Pipeline Use Enlargement and the Currier Augmentation Exchange in full force and effect. The Application herein concerns all remaining conditional portions of these water rights. 4. Description of Conditional Water Rights: a. Original Decree: June 18, 2010, in Case No. 07CW231, Water Division No. 5. b. Subsequent Decree awarding diligence: April 16, 2017 in Case No. 16CW3043, Water Division 5. c. Donna Spring and Pipeline Use Enlargement: i. Legal Description: The point of diversion is located in the NE1/4NW1/4 of Section 35, Township 8 South, Range 93 West of the 6th P.M. at a point whence the North quarter corner of Section 2, Township 9 South, Range 93 West of the 6th P.M. bears South 20°17' East, 4,495.12 feet. To supplement the location decreed in Case No. 00CW208, Water Division No. 5, the spring is located 2,195 feet from the West line of Section 35 and 1,168 feet from the North line of Section 35. A map depicting the location of the subject structures is on file with the Water Court as Exhibit A. ii. Source: Spring tributary to Uhl Creek, tributary to Middleton Creek, tributary to Buzzard Creek, tributary to Plateau Creek, tributary to Colorado River. iii. Appropriation date: August 1, 2005. iv. Amount: 0.04 cfs (18.0 gpm), absolute for irrigation of 500 square feet of lawns and gardens; 0.09 cfs (40 gpm) conditional for irrigation; and 0.13 cfs, conditional, for domestic use in an additional residence. The Donna Spring and Pipeline was previously decreed in Case No. 00CW208, Water Division No. 5, in the amount of 0.13 cfs, absolute, for domestic purposes in six single-family dwellings, stock watering, and fire protection. In Case No. 07CW231, Applicant obtained a conditional water right for the uses of irrigation and domestic use in an additional residence with the same 0.13 cfs diversion rate. Thus, total diversions at the spring will not exceed 0.13 cfs under the decree in Case No. 00CW208 and the decree entered herein. v. Use: Domestic use in an additional residence, and irrigation of 500 square feet of lawn and gardens generally located in the N1/2 of Section 2, Township 9 South, Range 93 West, 6th P.M. d. Conditional right of exchange ("Currier Augmentation Exchange"): Operation of the plan for augmentation approved in Case No. 07CW231 at times requires exercise of an appropriative right of exchange, described as follows: i. Lower terminus of exchange reach: Confluence of Sheep Creek and Middleton Creek in the SW1/4NW1/4 of Section 12, Township 9 South, Range 93 West, 6th P.M., 1,310 feet from the West line of Section 12, and 2,350 feet from the North line of Section 12. See Exhibit A. ii. Upper terminus of exchange reach: The exchange extends up Middleton Creek from the lower terminus to the confluence with Uhl Creek thence up Uhl Creek to the Spring. iii. Exchange rate: 0.004 cfs (1.85 gpm), conditional. iv. Appropriation date: December 27, 2007. 5. Outline of what has been done toward completion of the appropriation and application to beneficial use as conditionally decreed, including expenditures: a. On April 16, 2017 the Division 5 Water Court entered Findings of Fact, Conclusions of Law, Judgment and Decree in Case No. 16CW3043 which, *inter alia*, awarded a finding of reasonable diligence and continued the subject conditional water rights in full force and effect. That decree provided that Applicant must file an application for finding of reasonable diligence during the month of April 2023, or otherwise demonstrate that the subject conditional water rights have been made absolute in whole or in part. b. Pursuant to the decrees in Case Nos. 07CW231 and 16CW3043, the subject conditional water rights, together with other water rights owned by the Applicant, are part of an integrated water supply system for Applicant's property. When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights of the entire project or system. C.R.S. § 37-92-301(4)(b). c. During the diligence period, Applicant has performed the following activities in furtherance of the development of the subject conditional water rights. i. Operated and maintained the dam on Currier Reservoir No. 2, including without limitation, inspecting and maintaining the outlet works, installing fencing and weirs, clearing brush and spraying weeds, erosion control, rodent control, grading and maintaining the dam face, and preparation of an Emergency Action Plan and inundation mapping. Without limiting the foregoing, in 2020 Applicant conducted a significant repair of the dam, to replace a corrugated metal pipe in the outlet works. ii. Operated and maintained the irrigation uses of the Currier Reservoir No. 2, including maintenance of irrigation works, and installation of concrete diversion boxes and gated pipe. iii. Operated and maintained the Currier Reservoir No. 2 for industrial uses pursuant to the Currier Reservoir No. 2 Use Enlargement water right, including leasing water to energy companies. iv. Obtained a decree in Case No. 19CW3085, Water Division 5, finding that the Currier Reservoir No. 2 Use Enlargement water right had been made absolute in its entirety for all decreed uses. v. Operated and maintained the Donna Spring and Pipeline, including repair, cleaning and disinfecting the spring box and gathering system. vi. Annually maintained the requirements of the U.S. Forest Service Special Use Permit for location of the Donna Spring and Pipeline, including weed control and annual payments. A fee of \$169.00 was paid for calendar year 2023. vii. Operated and maintained the Currier Reservoir No. 2 for augmentation uses pursuant to the Currier Reservoir No. 2 Augmentation Use Enlargement water right and the augmentation plan decreed in Case No. 07CW231, Water Division 5. viii. Engaged engineering consultants and attorneys in connection with the activities described herein. d. Applicant's expenditures in connection with the above-referenced activities are difficult to calculate but are conservatively estimated to be in excess of \$34,000. e. The list of activities and expenditures described above is not intended to be exhaustive, and Applicant reserves the right to produce additional evidence of diligence if necessary or appropriate. 6. Claim to make conditional water right absolute: a. Applicant requests a finding that the Currier Augmentation Exchange has been made absolute at the rate of 0.004 cfs (1.85 gpm). Pursuant to the augmentation plan decreed in Case No. 07CW231, water was stored in priority under the Currier Reservoir No. 2 Augmentation Use Enlargement water right and released to augment out-of-priority depletions from the Donna Spring and Pipeline, including augmentation by exchange. According to Division of Water Resources records, water was released for augmentation in the following dates and

amounts: i. August 10, 2017 – released 2 acre-feet, observed and supervised Water Commissioner. ii. October 1, 2018 – released 2-acre feet; iii. October 12, 2019 – released 2 acre-feet; iv. July 10, 2020 – released 2 acre-feet; v. October 6-7, 2021 – released 2 acre-feet; vi. August 10-11, 2022 – released 2 acre-feet at direction of Water Commissioner. b. A table containing call records is on file with the Court as Exhibit B and demonstrates that the Currier Augmentation Exchange was in priority on the dates above. Accordingly, Applicant requests that the Court find that the Currier Augmentation Exchange has been made absolute in the full decreed amount. In the alternative, Applicant requests a finding of reasonable diligence for this water right. 7. Name and address of owners of land or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: No new diversion or storage structures will be constructed or modified as a result of this application. The Currier Reservoir No. 2 is located on land owned by Applicant. Wherefore, Applicant respectfully requests the Court enter a ruling and decree finding that Applicant has demonstrated reasonable diligence, making the Currier Augmentation Exchange absolute, continuing any remaining conditional portions of the subject water rights in full force and effect, and for such other relief as the Court deems appropriate.

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**13. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**23CW3044 PITKIN COUNTY, COLORADO; COLORADO RIVER OR ITS TRIBUTARIES.** LITTLE DITCH 1, LLC and LITTLE DITCH 2, LLC, Colorado limited liability companies; c/o Danielle L. Van Arsdale, Esq., Wood Pearce Nelson, LLC, 201 Main Street, Ste. 301, Carbondale, CO 81623 (970) 925-1551. APPLICATION TO MAKE ABSOLUTE. **First Claim.** Name of structure: Upper Irrigation Pond. Original decree: Case No. 2014CW3176, Division 5 Water Court; April 16, 2017. Legal description: SE ¼, SW¼, Section 10, Township 9 S., Range 85 W., 6th P.M., 340 feet from the south section line and 1,660 feet from the west section line. A map of the reservoir is on file with the court as Figure 1. Source: **Roaring Fork River, tributary to the Colorado River, via deliveries from the Salvation Ditch; and local runoff tributary to Little Woody Creek, Woody Creek, the Roaring Fork River, and the Colorado River.** Ditch used to fill reservoir: Lateral of the Salvation Ditch with a capacity of 0.5 c.f.s. The decreed point of diversion is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7, Township 10 S., Range 84 W., 6th P.M. bears North 2 degrees 48 minutes W. 5,633.4 feet. Date of appropriation: August 1, 2012. Amount: 0.2 acre-foot, with the right to fill and refill in priority or as augmented under the terms of the plan decreed in Case No. 2014CW3176 when water is physically and legally available. While this water storage right does not include a flow-through right, return flows from the water rights changed in Case No. 2014CW3176 and Applicants' senior Salvation Ditch water rights may flow through the pond. Capacity: Active is 0.18 acre-foot; Dead storage is 0.02 acre-foot. Rate of diversion for filling reservoir: 0.25 c.f.s. Uses: Incidental aesthetic, recreation, piscatorial, and fire protection. Surface area: 0.136-acre. Maximum height of dam is less than 10 feet; Length of dam is 70 feet. Claim for absolute: 0.174 acre-foot, out of the 0.2 acre-foot originally decreed, for all decreed conditional beneficial uses. Applicants relinquish the 0.026 acre-foot remaining conditional. Date of beneficial use: May 1, 2019. Applicant Little Ditch 1, LLC owns the land upon which water is stored and put to beneficial use. **Second Claim.** Name of structure: Middle Irrigation Pond. Original decree: Case No. 2014CW3176, Division 5 Water Court; April 16, 2017. Legal description: SE ¼, SW¼, Section 10, Township 9 S., Range 85 W., 6th P.M., 470 feet from the south section line and 1,550 feet from the west section line. A map of the reservoir is on file with the court as Figure 1. Source: **Roaring Fork River, tributary to the Colorado River, via deliveries from the Salvation Ditch; and local runoff tributary to Little Woody Creek, Woody Creek, the Roaring Fork River, and the Colorado River.** Ditch used to fill reservoir: Lateral of the Salvation Ditch with a capacity of 0.5 c.f.s. The decreed point of diversion is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7, Township 10 S., Range 84 W., 6th P.M. bears North 2 degrees 48 minutes W. 5,633.4 feet. Date of appropriation: August 1, 2012. Amount: 0.9 acre-foot, with the right to fill and refill in priority or as augmented under the terms of the plan decreed in Case No. 2014CW3176 when water is physically and legally available. While this water storage right does not include a flow-through right, return flows from the water rights changed in Case No. 2014CW3176 and Applicants' senior Salvation Ditch water rights may flow through the pond. Capacity: Active is 0.87 acre-foot; Dead storage is 0.03 acre-foot. Rate of diversion for filling reservoir: 0.25 c.f.s. Uses: Incidental aesthetic, recreation, piscatorial, and fire protection. Surface area: 0.28-acre. Maximum height of dam is less than 10 feet; Length of dam is 100 feet. Claim for absolute: 0.885 acre-foot, out of the 0.9 acre-foot originally decreed, for all decreed conditional beneficial uses. Applicants relinquish the 0.015 acre-foot remaining conditional. Date of beneficial use: May 1, 2019. Applicant Little Ditch 1, LLC owns the land upon which water is stored and put to beneficial use. **Third Claim.** Name of structure: Leland Wetland Pond. Original decree: Case No. 2014CW3176, Division 5 Water Court; April 16, 2017. Legal description: SW ¼, SW¼, Section 10, Township 9 S., Range 85 W., 6th P.M., 550 feet from the south section line and 1,420 feet from the west section line. A map of the reservoir is on file with the court as Figure 1. Source: **Roaring Fork River, tributary to the Colorado River, via deliveries from the Salvation Ditch; and local runoff tributary to Little Woody Creek, Woody Creek, the Roaring Fork River, and the Colorado River.** Ditch used to fill reservoir: Lateral of the Salvation Ditch with a capacity of 0.5 c.f.s. The decreed

point of diversion is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7, Township 10 S., Range 84 W., 6th P.M. bears North 2 degrees 48 minutes W. 5,633.4 feet. Date of appropriation: August 1, 2012. Amount: 0.9 acre-foot, with the right to fill and refill in priority or as augmented under the terms of the plan decreed in Case No. 2014CW3176 when water is physically and legally available. Capacity: Active is 0.9 acre-foot; Dead storage is 0.0 acre-foot. Rate of diversion for filling reservoir: 0.25 c.f.s. Uses: As an infiltration and recharge pit for return flows from the Upper Irrigation Pond, Middle Irrigation Pond, Leland Parcel 2 Irrigation Pond, consumptive use credits decreed in Case No. 214CW30176 and Applicants' senior Salvation Ditch water rights; and incidental aesthetic and wetlands creation uses when water is stored. Surface area: 0.33-acre. Maximum height of dam is less than 10 feet; Length of dam is 140 feet. Claim for absolute: 0.817 acre-foot, out of the 0.9 acre-foot originally decreed, for all decreed conditional beneficial uses. Applicants relinquish the 0.083 acre-foot remaining conditional. Date of beneficial use: May 1, 2019. Applicant Little Ditch 1, LLC owns the land upon which water is stored and put to beneficial use. **Fourth Claim.** Name of structure: Parcel 2 Irrigation Pond. Original decree: Case No. 2014CW3176, Division 5 Water Court; April 16, 2017. Legal description: SE ¼, SW¼, Section 10, Township 9 S., Range 85 W., 6th P.M., 145 feet from the south section line and 2,415 feet from the west section line. A map of the reservoir is on file with the court as Figure 1. Source: Roaring Fork River, tributary to the Colorado River, via deliveries from the Salvation Ditch; and local runoff tributary to Little Woody Creek, Woody Creek, the Roaring Fork River, and the Colorado River. Ditch used to fill reservoir: Lateral of the Salvation Ditch with a capacity of 0.5 c.f.s. The decreed point of diversion is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7, Township 10 S., Range 84 W., 6th P.M. bears North 2 degrees 48 minutes W. 5,633.4 feet. Date of appropriation: July 31, 2014. Amount: 0.5 acre-foot, with the right to fill and refill in priority or as augmented under the terms of the plan decreed in Case No. 2014CW3176 when water is physically and legally available. While this water storage right does not include a flow-through right, return flows from the water rights changed in Case No. 2014CW3176 and Applicants' senior Salvation Ditch water rights may flow through the pond. Capacity: Active is 0.47 acre-foot; Dead storage is 0.03 acre-foot. Rate of diversion for filling reservoir: 0.25 c.f.s. Uses: Incidental aesthetic, recreation, piscatorial, and fire protection. Surface area: 0.23-acre. Maximum height of dam is less than 10 feet; Length of dam is 140 feet. Claim for absolute: 0.489 acre-foot, out of the 0.5 acre-foot originally decreed, for all decreed conditional beneficial uses. Applicants relinquish the 0.011 acre-foot remaining conditional. Date of beneficial use: May 1, 2019. Applicant Little Ditch 2, LLC owns the land upon which water is stored and put to beneficial use. **Fifth Claim.** Name of structure: Leland Exchange. Original decree: Case No. 2014CW3176, Division 5 Water Court; April 16, 2017. Legal description of lower termini: The confluence of the Roaring Fork and Colorado Rivers in the SE ¼, NW ¼ of Section 9, Township 6 S., Range 89 W., 6th P.M., 2,200 feet from the north section line and 2,350 feet from the west section line for the exchange of Green Mountain Reservoir water; The confluence of the Roaring Fork and Frying Pan Rivers in the SW ¼, SE ¼, Section 7, Township 8 S., Range 86 W., 6th P.M., 647 feet from the south section line and 1,475 feet from the east section line for the exchange of Ruedi Reservoir and/or Troy and Edith Ditch water; The point of diversion for the Robinson Ditch on the Roaring Fork River in the NW ¼, SE ¼, Section 11, Township 8 S., Range 87 W., 6th P.M., 2,307 feet from the south section line and 2,309 feet from the east section line for the exchange of Robinson Ditch water. A map of the exchange reaches is on file with the court as Figure 5. Legal description of upper termini: The Upper Irrigation Pond in the SE ¼, SW¼, Section 10, Township 9 S., Range 85 W., 6th P.M., 340 feet from the south section line and 1,660 feet from the west section line; The Middle Irrigation Pond in the SE ¼, SW¼, Section 10, Township 9 S., Range 85 W., 6th P.M., 470 feet from the south section line and 1,550 feet from the west section line; The Leland Wetland Pond in the SW ¼, SW¼, Section 10, Township 9 S., Range 85 W., 6th P.M., 550 feet from the south section line and 1,420 feet from the west section line; The Parcel 2 Irrigation Pond in the SE ¼, SW¼, Section 10, Township 9 S., Range 85 W., 6th P.M., 145 feet from the south section line and 2,415 feet from the west section line; The point of diversion of the Salvation Ditch on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7, Township 10 S., Range 84 W., 6th P.M. bears North 2 degrees 48 minutes W. 5,633.4 feet. A map of the exchange reaches is on file with the court as Figure 5. Source: Basalt Water Conservancy District water marketing supplies comprised of 1.0 acre-foot of the water rights described in paragraph 27.C of the Application on file with the court and pursuant to Applicants' Water Allotment Contract No. 648. Date of appropriation: August 1, 2012. Amount: Rate is 0.01 c.f.s.; Volume is 1.0 acre-foot. Plan of Operation: The plan for augmentation decreed in Case No. 2014CW3176 includes an appropriative right of exchange of the augmentation water released under Applicants' BWCD contract, extending from the lower termini to the upper termini. The exchange operates in priority. Claim for absolute: 0.01 c.f.s. and 1.0 acre-foot. Date of beneficial use: August 1, 2022.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**14. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.**

**23CW3045 GARFIELD COUNTY - COLORADO RIVER; United Companies of Mesa County; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name, mailing address, and telephone number of Applicant: Oldcastle SW Group, Inc., dba United**

Companies of Mesa County, 2273 River Road, Grand Junction, CO 81505, (970) 243-4900; Request for finding of diligence: Name of structure: Mamm Creek Gravel Pit Wells; Permit No.: 69184-F; Describe conditional water right: Case No. and Date of Original Decree: Case No. 01CW08, decreed on August 4, 2003; List of subsequent decrees awarding diligence: 09CW105, 16CW3095; Legal description: SW/4 of Section 12, the NW/4 of Section 13, and the N/2 of Section 14, Township 6 South, Range 93 West of the 6<sup>th</sup> P.M.; Source of water: Alluvial aquifer tributary to the Colorado River; Appropriation Date: August 15, 2000; Amount: 0.9 a.f.. (304.1 a.f. annually), conditional; Use: Industrial for gravel pond excavation, gravel washing, concrete production, asphalt production, product losses, equipment washing, and dust control; and recreation and wildlife and aquatic habitat in the gravel ponds after mining activities have ceased; Depth of well: 22 feet; Detailed outline of what has been done towards application of the conditional water right to beneficial use: Applicant purchased the Mamm Creek Gravel Pit Wells from LaFarge West, Inc. in 2013 to develop the pits in conjunction with the neighboring North Bank Gravel Pit. The eastern-most Mamm Creek Gravel Pit has been mined, reclaimed, and released by DRMS. The middle and western pits have been partially mined, but still have substantial materials available to support future mining. At this time the Mamm Creek Gravel Pit Wells are not being actively mined because they are part of Applicant's mining plan together with the North Bank Gravel Pit. Under that plan, the pits will be operated in phases, with the North Bank Gravel Pit being the focus of active mining for approximately 9-12 more years. During that period the Mamm Creek Gravel Pit area will be used for staging mined materials from the North Bank Pit. During the last five years, Applicant has mined the following amounts from the North Bank Gravel Pit: 2022: 123,959 tons; 2021: 90,689 tons; 2020: 109,447 tons; 2019: 161,842 tons; 2018: 114,005 tons. Once material reserves at the North Bank Gravel Pit are exhausted, Applicant will move its mining operation to the Mamm Creek Gravel Pit Wells. In addition to the work described above, during the diligence period Applicant has improved the area adjacent to the scale house to improve drainage and other necessary maintenance on site. Applicant has annually paid the necessary fees to Colorado Division of Mining, Reclamation, and Safety to maintain the mining permits for the Mamm Creek Gravel Pit Wells; Request for finding of diligence: Name of structure: Last Chance Ditch RFR Enlargement; Describe conditional water right: Case No. and Date of Original Decree: Case No. 01CW08, decreed on August 4, 2003; List of subsequent decrees awarding diligence: 09CW105, 16CW3095; Legal description: NE/4 SE/4 of Section 10, Township 6 South, Range 92 West of the 6<sup>th</sup> P.M., at a point 1,420 feet from the south section line and 1,000 feet from the east section line; Source of water: Colorado River; Appropriation Date: August 15, 2000; Amount: 1.0 c.f.s., conditional; Use: Industrial for gravel washing, concrete production, asphalt production, product losses, equipment washing, and dust control; Detailed outline of what has been done towards application of the conditional water right to beneficial use: The conditional water right for the Last Chance Ditch RFR Enlargement is part of the Mamm Creek Gravel Pit operation. Applicant purchased the Mamm Creek Gravel Pit Wells from LaFarge West, Inc. in 2013 to develop the pits in conjunction with the neighboring North Bank Gravel Pit. The eastern-most Mamm Creek Gravel Pit has been mined, reclaimed, and released by DRMS. The middle and western pits have been partially mined, but still have substantial materials available to support future mining. The Last Chance Ditch RFR Enlargement is a diversion right that will be used to support future mining of the Mamm Creek Gravel Pits, and since mining of those pits will not resume until Applicant has exhausted its reserves at the neighboring North Bank Pit, the Last Chance Ditch RFR Enlargement is not being actively diverted at this time. Once material reserves at the North Bank Gravel Pit are exhausted, Applicant will move its mining operation to the Mamm Creek Gravel Pit Wells and will begin diversions at the Last Chance Ditch RFR Enlargement. (5 pages)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**15. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.**

**23CW3046 EAGLE, GARFIELD, & PITKIN COUNTIES.** Application for Finding of Reasonable Diligence and to Make Absolute. Applicant: The Aspen Institute, Inc., c/o Sara M. Dunn and Andrea J. Hall, Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. The Aspen Institute, Inc. ("Applicant") requests the Ct. find it has exercised reasonable diligence in the development of the Aspen Institute Exchange (the "Subject Water Right") and confirm the Subject Water Right as absolute. See Figure 1 for a map of the exchange reaches on file with the Water Ct. First Claim: Claim for Finding of Reasonable Diligence. Name of Structure: The Aspen Institute Exchange, herein referred to as The Aspen Institute Exchange Project. Original Decree: 15CW3116 Dist. Ct., Water Div. 5, entered on 04/17/2017. Location: Upstream Terminus: Si Johnson Ditch, Second Enlargement (Aspen Institute Enlargement), as decreed in CA3082, the headgate on the right bank of said creek at a point whence the quarter Sec. corner on the N. side of Sec. 13, T. 10 S., R. 85 W. of the 6th P.M. bears N. 42°15' E. 1,630 ft. distant in Pitkin Cty. PLSS legal description: located in the NE1/4 NW1/4, of Sec. 13, T. 10 S., R. 85 W. of the 6th P.M., as shown in Figure 1 on file with the Water Ct. Also described as UTM Zone 13, NAD83, Easting 341,508 meters and Northing 4,338,982 meters. Downstream Termini: For exchange of Ruedi Reservoir and/or Troy and Edith Ditch water: The confluence of the Roaring Fork and Fryingpan Rivers, located in the SW1/4 SE1/4, Sec. 7, T. 8 S., R. 86 W., 6th P.M., 647 ft. from the S. Sec. line and 1,475 ft. from the E. Sec. line. Referenced below as The Aspen Institute Exchange Reach 1. For exchange of Robinson Ditch water: The point of diversion for the Robinson Ditch on the Roaring Fork River, located in the NW1/4 SE1/4, Sec. 11, T. 8 S., R. 87 W., 6th P.M., 2,307 ft. from the S. Sec. line and 2,309 ft. from the E. Sec. Referenced

below as The Aspen Institute Exchange Reach 2. For exchange of Green Mountain Reservoir water: The confluence of the Roaring Fork and CO Rivers, located in the SE1/4 NW1/4 of Sec. 9, T. 6 S., R. 89 W., 6th P.M., at a point approx. 2,200 ft. from the N. Sec. line and 2,350 ft. from the W. Sec. line. Referenced below as The Aspen Institute Exchange Reach 3. Source of Exchange Water: Green Mountain Reservoir, Ruedi Reservoir, and the Troy and Edith Ditch, as decreed in 15CW3116, paragraph 8.B. Date of Approp.: 04/14/2009. Rate: 5 g.p.m. (0.011 c.f.s.), conditional, with an annual volumetric limit of 0.43 AF. Operation Plan: The aug. plan as decreed in 15CW3116 includes an appropriative right of exchange of the aug. water released pursuant to the Applicant's BWCD Water Allotment Contract No. 674, extending between the upper and lower termini described above. Applicant operates the exchange only when it is in priority and when and to the extent it has aug. supplies available under its BWCD water allotment contract. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Second Claim: Claim to Make Absolute. Summary of Claim: Applicant requests a finding that the conditional water right decreed to The Aspen Institute Exchange Project be confirmed absolute by this application to beneficial use as follows: Structure: The Aspen Institute Exchange Project, as described above. Date of Beneficial Use: 07/31/2022. Exchange Project: Exchange Reach 1: Upstream Terminus, Si Johnson Ditch, Second Enlargement (Aspen Institute Enlargement): as described above. Downstream Terminus, Ruedi Reservoir and/or Troy and Edith Ditch: The confluence of the Roaring Fork and Fryingpan Rivers, Located in the SW1/4 SE1/4, Sec. 7, T. 8 S., R. 86 W., 6th P.M., 647 ft. from the S. Sec. line and 1,475 ft. from the E. Sec. line. Exchange Reach 2: Upstream Terminus, Si Johnson Ditch, Second Enlargement (Aspen Institute Enlargement): as described above. Downstream Terminus, Robinson Ditch: The point of diversion for the Robinson Ditch on the Roaring Fork River, located in the NW1/4 SE1/4, Sec. 11, T. 8 S., R. 87 W., 6th P.M., 2,307 ft. from the S. Sec. line and 2,309 ft. from the E. Sec. Exchange Reach 3: Upstream Terminus, Si Johnson Ditch, Second Enlargement (Aspen Institute Enlargement): as described above. Downstream Terminus, Green Mountain Reservoir: The confluence of the Roaring Fork and CO Rivers: Located in the SE1/4 NW1/4 of Sec. 9, T. 6 S., R. 89 W., 6th P.M., at a point approx. 2,200 ft. from the N. Sec. line and 2,350 ft. from the W. Sec. line. Remarks: Exchange Reaches 1 and 2 as described above, are nested within Exchange Reach 3. Therefore, Exchange Reaches 1 and 2 are active when Exchange Reach 3 operates. Rate: 5 g.p.m. (0.011 c.f.s.), with an annual volumetric limit of 0.43 AF. Amt. Claimed as Absolute: 0.43 AF. On 07/31/2022, the Si Johnson Ditch, Second Enlargement was subject to a call by the Grand Valley canal (7200645). The plan for aug. approved by the Ct. in 15CW3116 was operating. Releases from Green Mountain Reservoir were being made pursuant to BWCD Contract No. 674 and the Aspen Institute Exchange project was operating in priority in exchange reaches 1, 2, and 3. Names and address of owners of land on which structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. WHEREFORE, Applicant respectfully requests the Ct. enter a Decree (1) finding that Applicant has exercised reasonable diligence in the development of the conditional water right for the Aspen Institute Exchange Project; (2) confirming the Aspen Institute Exchange Project, including Reach 1, 2, and 3, are absolute as further described above; (3) continuing as conditional any portion of the Subject Water Right not confirmed absolute herein; (4) for such other relief as the Ct. deems appropriate. (6 pages of original application, Figure 1)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**16. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**23CW3047 GARFIELD COUNTY. Application for Finding of Reasonable Diligence.** Applicant: Canyon Creek Self Storage, LLC, c/o Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant seeks a finding of reasonable diligence in the development of its interests in the Wagner Well. Name of Structure: Wagner Well. Original Decree: 02CW58, Dist. Ct., Water Div. 5, entered on 03/15/2004. Subsequent Findings of Reasonable Diligence: At regular intervals as required by law, the Div. 5 Water Ct. has entered findings of reasonable diligence in the development of the conditional water rights described herein in 10CW49, entered on 11/14/2010 and 16CW3140, entered on 04/16/2017. Decreed Location: SE1/4 NW1/4 of Sec. 35, T. 5 S., R. 90 W. of the 6th P.M. in Garfield Cty., CO at a point 2,200 ft. from the N. sec. line and 2,380 ft. from the W. sec. line. See Figure 1 on file with the Water Ct. **Source: Alluvium of the Colorado River.** Date of Approp.: 02/28/2002. Amt.: 0.056 c.f.s. (25 g.p.m.) and 1.4 AF/year. Uses: Irr. of 5,000 square feet of lawn and commercial (sanitary and drinking) for 5 offices and washing of 10 vehicles per day. The land to be irrigated is located within Lot 4, Gabossi Subdivision Exemption according to the Plat thereof recorded 02/11/2003 as Rec. No. 620584. Well Permit: Permit No. 57579-F (expired). Applicant has applied for a new Well Permit, Rec. No. 10028770. Depth: 160 ft. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Names and address of owners of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. (4 pages of original application, Figure 1)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's**

attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

17. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

**23CW3048 GRAND COUNTY, COLORADO.** APPLICATION FOR FINDING OF REASONABLE DILIGENCE. I. Address and Telephone Number of Applicant. Colorado River Water Conservation District, acting by and through its Colorado River Water Projects Enterprise (“River District”), c/o Secretary/General Manager, 201 Centennial Street, Suite 200, Glenwood Springs, Colorado 81601 Telephone: (970) 945-8522 Facsimile: (970) 945-8799. Please direct all pleadings and correspondence in this matter to: Peter C. Fleming, General Counsel; and Jason V. Turner, Senior Counsel, at the address provided above. II. Prefatory Statement. The River District is a political subdivision of the State formed by the Colorado Legislature (*See* C.R.S. §37-46-101, *et seq.*) in 1937 for the purpose of safeguarding for the State of Colorado that portion of the waters of the Colorado River equitably apportioned to the state by compact. Geographically, the River District encompasses an area of approximately 29,000 square miles, including all twelve and parts of three western Colorado counties. Included in that area are the headwaters and principal tributaries of the Colorado River mainstem, the Gunnison, the White, and the Yampa rivers. The River District’s authorizing legislation directs the River District, *inter alia*, to make surveys and investigations to ascertain the best method of utilizing stream flows within the River District and to make appropriations “for the use and benefit of the ultimate appropriators . . .” This statute further directs the River District “to perform all acts and things necessary or advisable to secure and ensure an adequate supply of water, present and future, for irrigation, mining, manufacturing, and domestic purposes within said districts (*sic*).” The decree that is the subject of this Application was obtained in furtherance of these statutory directives. The Board of Directors of the River District has maintained its intent to develop the conditional water right that is the subject of this Application. The most recent decree confirming reasonable diligence in the development of the conditional water right that is the subject of this Application was entered in Case No. 16CW3082 on April 16, 2017. III. Describe conditional water right (as to each structure) giving the following from the Referee’s Ruling and Judgment and Decree: A. Name of Structure: Gunsight Pass Reservoir Power Plant (a/k/a Wolford Mountain Reservoir Power Plant) decreed in Case No. 87CW284. Continued diligence decreed in Case Nos. 95CW251, 02CW107, 09CW81 and 16CW3082. B. Date of Original Decree: November 20, 1989. C. Court: Water Division No. 5. D. Legal Description: The point of diversion is a penstock through the Gunsight Reservoir dam located in the SW 1/4 of the NE 1/4 of Section 25, T. 2 N., R. 81 W. 6<sup>th</sup> P.M. at a point approximately 2,023.75 feet South of the North Section line and approximately 2,726.52 feet East of the West Section line. The decreed intersection of the dam axis with the right abutment is at a point which bears S. 54°54’20” E., a distance of 3,716.46 feet from the NW corner of said Section 25. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam Construction Drawings “Dimensional Dam Layout” sheets 8 of 94, occurs at a point which bears S. 53°24’56” E., a distance of 3,395.51 feet from the NW corner of said Section 25; the bearings of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28’29” E. The location of the planned hydropower plant is in the SW 1/4 of the NE 1/4 of Section 25, T. 2 N., R. 81 W., 6<sup>th</sup> P.M. at a point approximately 2472 feet South of the North Section line and approximately 3194 feet East of the West Section line. The location of the dam as-built described above and affirmed in Case No. 98CW237, W.D. 5, is geographically and hydrologically the same as the decreed location. The as-built description is provided because the reference point (dam axis) for the decreed location was physically obliterated or occupied by the dam during construction. E. Source: Muddy Creek, tributary to the Colorado River and water stored in Gunsight Pass Reservoir (a/k/a Wolford Mountain Reservoir). F. Appropriation Date: December 14, 1987. G. Amount: 600 c.f.s., conditional. H. Use: Electric power generation and production. IV. Integrated Project. Pursuant to C.R.S. §37-92-301(4)(b), “when a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” Where work on a component of a system is “necessary to the ultimate goal of putting the water to beneficial use, it is considered part of an integrated system.” *Metropolitan Suburban Water Users Ass’n v. Colorado River Water Cons. Dist.*, 365 P.2d 273, 289 (Colo.1961). The Gunsight Pass Power Plant (a/k/a Wolford Mountain Reservoir Power Plant) was most recently decreed as an integrated component of Gunsight Pass Reservoir (a/k/a Wolford Mountain Reservoir) in Case No. 16CW3082, Water Division 5. V. Provide a detailed outline of what has been done towards completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed including expenditures. A. Wolford Mountain Reservoir Operations. Over the course of the diligence period the River District dedicated substantial personnel time and expended in excess of \$5.4 million, excluding personnel expenditures, for the operation and maintenance of Wolford Mountain Reservoir in furtherance of the development of the Gunsight Pass Power Plant right (a/k/a Wolford Mountain Reservoir Power Plant right) decreed in Case No. 87CW284. This list of expenditures and actions in furtherance of development of the subject water right is not intended to be exclusive and may be supplemented by additional evidence: 1. Funded United States Geological Survey gaging stations at Wolford Mountain Reservoir and Muddy Creek to gauge water quality and stream flows respectively. 2. Conducted watershed management and mitigation area monitoring and maintenance below Wolford Mountain Reservoir. 3. General maintenance of Wolford Mountain Reservoir facilities, including the shop and recreational area. 4. During the diligence period the River District spent significant resources in analyzing and monitoring deformation of the dam at Wolford Mountain Reservoir. This work included but is not limited to mapping, surveying, the installation and monitoring of inclinometers, piezometers, deformation monuments, and extensometers. Additional work included a crest raise and the fabrication and



replacement of the main gate. Additionally, the River District engaged engineering consultants to provide analysis on the deformation. 5. Funded an invasive aquatic species program at Wolford Mountain Reservoir. 6. Renewed the right-of-way permit (COC-45805) from the Bureau of Land Management (BLM) for continued use of public land for the reservoir, dam, habitat mitigation areas, roads, and parking area through December 31, 2050. 7. The River District Board at its January 2023 Quarterly Board Meeting reaffirmed its intent to develop the subject conditional water right. B. Additionally, during the diligence period, the River District carried out the following activities more generally related to the development, operation and maintenance of the River District's absolute and conditional water rights, including the water rights that are the subject of this diligence application: 1. Endangered Species. Federal environmental legislation and related regulations on water development activities often make successful acquisition of needed federal permits one of the most predominant concerns regarding a water development project. A significant concern regarding the development of projects in Colorado Water Division No. 5 is the status of four native fish species which have been listed as "endangered" by the Fish and Wildlife Service pursuant to the federal Endangered Species Act. Because water depletions in the Colorado River basin are alleged to jeopardize the continued existence of those fish species, it is necessary for the River District and others who may need federal permit authorizations for their water projects to successfully address the alleged jeopardy of those species. The River District has obtained a contract with the Bureau of Reclamation for 5,412.5 acre feet of water in Ruedi Reservoir to satisfy the West Slope's obligation. During the diligence period the River District has maintained and administered that contract for the benefit of the endangered fish. These efforts are necessary and appropriate in order for the River District and other water users within its boundaries to secure permitting approvals for the construction and operation of water projects, including the projects that are the subject of this Application. 2. Weather Modification. Throughout the diligence period, the River District has been participating in, and is now administering, the Central Colorado Mountains River Basin Weather Modification Program. The program is designed to increase snow fall, and thus improve water supplies, over the central Colorado mountains including areas in the vicinity of the projects that are the subject of this Application. 3. Salinity. The River District continues to participate and fund efforts to reduce the salinity of the Colorado River, as well as the operation of the Colorado River mainstem reservoirs, to ensure to the River District, as well as to the State of Colorado, an adequate supply of water from the Colorado River as provided by the Colorado River Compacts. 4. Wild and Scenic Alternative Management Plan. The River District expended significant staff time and financial resources in developing a stakeholder driven alternative management plan to federal wild and scenic designation for the Colorado River mainstem. A federal wild and scenic designation could have had significant impacts on the development of the conditional water rights at issue in this Application. 5. Water Marketing. During the diligence period, the River District has been actively engaged in the operation of its Water Marketing Program. The successful operation of the Water Marketing Program and the receipt of lease revenues by the River District will assist the River District in developing water projects, including the project which is the subject of this Application. 6. Water Court Activities. The River District opposed numerous water right applications during the diligence period in order to prevent or mitigate adverse effects to its water rights. 7. Legislation. The River District annually participates actively in legislative processes regarding water-related matters before both the United States Congress and the Colorado General Assembly. The River District has monitored and lobbied concerning the activities of various committees of the United States Congress concerning environmental legislation, particularly the Endangered Species Act, Clean Water Act, and the National Environmental Policy Act ("NEPA") as such environmental acts relate to the construction of projects and utilization of water within Western Colorado. The River District also monitors and lobbies in the Colorado General Assembly on matters related to water rights and water project development. 8. In addition to extensive staff time, the River District has expended substantially in excess of one million dollars on the furtherance of the activities described above. VI. Name and addresses of owners of land on which the structure is located or water will be stored, or upon which water is or will be placed to beneficial use: A. Colorado River Water Conservation District, acting by and through its Colorado River Water Projects Enterprise, 201 Centennial Street, Suite 200, Glenwood Springs, CO 81601. B. United States of America, Bureau of Land Management, Kremmling Field Office, P.O. Box 68, Kremmling, CO 80459. WHEREFORE, the River District requests that the Court enter a decree: (1) confirming that the River District has met all applicable standards and burdens and has demonstrated reasonable diligence in the development of the conditional Gunsight Pass Reservoir Power Plant right (a/k/a Wolford Mountain Reservoir Power Plant right) originally decreed in Case No. 87CW284; (2) rule that the right shall be continued in full force and effect; and (3) set a date for a subsequent application for a finding of reasonable diligence. (9 pages) **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**18. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**23CW3049** Winter Park Highlands Association c/o Michael Hagerty, President of Board of Directors, PO Box 275, Tabernash, Colorado 80446, (720) 219-9439. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN **GRAND COUNTY, COLORADO**. Please mail copies of all pleadings in this case to: Tod J. Smith, The Law Office of Tod J. Smith, LLC, 5777 Central Ave., Suite 228, Boulder, CO 80301. **2. Name of Structures:** WPHA Pond No. 1 (aka Bielenberg Pond at WPHA Commons). **3. Description of Prior Decrees:** 3.1. Date of Original Decree: August 26, 2003, Case No. 02CW128, District Court, Water Division No. 5. 3.2; Date of First

Decree Finding Reasonable Diligence: September 18, 2010, Case No. 09CW84, District Court Water Division No. 5; and 3.3. Date of Second Decree Finding Reasonable Diligence: April 16, 2017, Case No. 16CW3080, District Court, Water Division No. 5.

**4. Description of Water Right:** 4.1. Name of Water Right: WPHA Pond No. 1. 4.2. Location: The Pond is on-channel and located as follows: WPHA Pond No. 1 is located in the WPHA Commons, in the NW1/4 of the SE1/4, Section 34, Township 1 North, Range 76 West, Grand County, Colorado, WPH Unit #2, 2243 feet from the south section line, 1750 feet from the east section line. (See General location map attached as **Exhibit A**.) 4.3. Source: Silver Creek, a tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. 4.4. Date of Appropriation: December 13, 2000. 4.5. Amount: 9.75 acre-feet (all active capacity). 4.6. Uses: Fire protection, recreation, fishing. **5. Outline of Work Performed or Actions Taken Toward Completion of the Appropriation and Application of the Water to Beneficial Use as Conditionally Decreed:** 5.1. During the diligence period the Association spent in excess of \$28,000 in upgrades and improvements to WPHA Pond No. 1. The improvements included tree removal, bank enhancement, dam and spillway repair, and installation of an Agri Drain to allow for releases from the Pond. (**Exhibit B** includes photos of the work done during the diligence period.) The improvements created additional depth in the Pond which provides better helicopter access and opportunity for air resources to load water for firefighting. 5.2. WPHA Pond No. 1, as currently configured, has been used by the Grand County Fire Protection District for actual fire suppression as well as training scenarios. See Letter from Brad White, Grand County Fire Protection District attached as **Exhibit C**. 5.3. During the diligence period, members of the Association also contributed time and expertise in planning, coordinating, and monitoring improvements to the Pond. 5.4. During the diligence period, the Association investigated funding and assistance for continued improvements to the ponds and the Association's overall efforts to improve its wildland fire protection capabilities. 5.5. During the diligence period, the Pond has been used by residents of Winter Park Highlands for fishing and recreation. 5.6. During the diligence period, WPHA Pond No. 2, for which diligence was granted in Case No. 16CW3080 was conveyed, together with its conditional water right, by the Association to Jeffery Kean. Mr. Kean filed a notice of the change of ownership of the conditional water right for WPHA Pond No. 2 with the Water Court on December 6, 2017. The Association no longer has an interest in WPHA Pond No. 2 or its conditional water right in the amount of 0.83 acre-feet. 5.7. The work performed and actions taken by the Association during the diligence period demonstrate its continuing intent to develop the conditional water rights for WPHA Pond No. 1 originally decreed in Case No. 02CW128. The Association has shown that it can and will implement the conditional water rights decreed for fire protection, recreation, and fishing, which will be completed and exercised with diligence within a reasonable time.

**6. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Pond No.1: Winter Park Highlands Association (Applicant). **7. Date of Filing of the Application:** This application for a finding of reasonable diligence for WPHA Pond No. 1 has been filed on or before April 30, 2023, in accordance with the Judgment and Decree entered on April 16, 2017 in Case No. 16CW3080. **Requested Relief WHEREFORE,** the Winter Park Highlands Association respectfully requests entry of a decree determining that the Association has demonstrated reasonable diligence in the development of the conditional storage right in WPHA Pond No. 1 as most recently decreed in Case No. 16CW3080, continuing the conditional water rights in good standing in the amount of 9.75 acre-feet for WPHA Pond No. 1, and setting a date by which the Association must file a subsequent finding of reasonable diligence. (The application is 4 pages with 3 exhibits.) **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**19. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.**

**23CW3050 MESA COUNTY - COLORADO RIVER.** Town of DeBeque; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name, address, and telephone number of Applicant: The Town of DeBeque; P.O. Box 60; DeBeque, CO 81630; Request for finding of reasonable diligence: Name of structure: DeBeque Water Works Pipeline and Pump Station Enlarged; Description of conditional water right: Original Decree Case Number, Date, Court: 1980CW079, October 15, 1980, Water Division 5; Subsequent decrees awarding findings of diligence: 2016CW3091, April 30, 2017, Water Division 5; 2008CW020, September 17, 2010, Water Division 5; 2001CW108, February 27, 2002, Water Division 5; 1994CW335, April 26, 1995, Water Division 5; Legal description: Northwest ¼ Southeast ¼ of Section 27, Township 8 South, Range 97 West of the 6th P.M., bears North 69°16' East 570 feet (this point is also described as on the northerly bank of the Colorado River in the SE1/4 of the NW1/4 of Section 27, Township 8 South, Range 97 West of the 6th P.M., at a point approximately 2,870 feet from the South section line and 1,475 feet from the West section line of said Section 27); Source: Colorado River; Appropriation date: May 25, 1952; Amount: 0.75 c.f.s. conditional; Use: All municipal purposes, including domestic, industrial, irrigation, recreation, fire protection, livestock watering, and necessary storage; Outline of what has been done toward completion of appropriation and application of water to beneficial use: During the last diligence period, Applicant has planned and obtained funding for an expansion and improvement of its water treatment plant to increase treatment capacity. Construction on that expansion began in August 2023 and is expected to be completed by December 2023. That expansion includes installation of two hollow

fiber membrane skids for connection to the Town's drinking water system and a new disinfection system capable of meeting treatment demands in the immediate future, as well as to allow future expansion. That expansion will allow the treatment plant to treat flows in excess of that which can be decreed under the original DeBeque Water Works Pipeline and Pump Station. Without the subject conditional water right, the Town will at times be unable to divert sufficient water to utilize the full capacity of the improved water treatment plant. The total cost of the expansion of the Town's water treatment plant is \$2,020,000. In 2017 the Town contracted with SGM Consulting Engineers at a cost of \$38,932 to assist with the Town's Capital Improvements Plan. In 2022 CDPHE approved the Town's Project Needs Assessment which determined that peak water demands will nearly double due to population growth over the next 20 years. That growth projection was based on a conservative formula which did not take into account recent ordinances allowing increased density, nor did it consider future geographical expansions. Applicant is beginning construction of a new sewer service line to connect its service area south of Interstate 70 to Applicant's sewer treatment system. This will require boring a new sewer line under the interstate at a cost of at least \$800,000 and will lead to substantial growth south of Interstate 70. Applicant believes that growth over the next 30 years will result in increased water demand that Applicant cannot satisfy without the subject conditional water right. The DeBeque Water Works Pipeline and Pump Station Enlarged is part of an integrated municipal water system for the Town of DeBeque. Therefore, diligence as to any component of the Town's water system constitutes diligence as to the subject conditional water right. See ¶ 5.A of Final Decree in 08CW020; see also C.R.S. § 37-92-301(4)(d). (4 pages)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**20. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**23CW3052(16CW3127, 09CW05, 01CW142, 94CW288). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8<sup>th</sup> Street, Suite 104, Glenwood Springs, Colorado 81601, (970) 928-3065. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF VAIL ASSOCIATES, INC. AND BEAR GULCH HOMEOWNERS' ASSOCIATION, INC., IN EAGLE COUNTY, COLORADO APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. **Names, mailing addresses, email addresses, and telephone numbers of Applicants:** The Vail Corporation, d/b/a Vail Associates, Inc. ("Vail"), c/o Legal Department, 390 Interlocken Crescent, Suite 100, Broomfield, Colorado 80021, [LegalNotice@vailresorts.com](mailto:LegalNotice@vailresorts.com) (303) 404-1800, Bear Gulch Homeowners' Association, Inc. ("Bear Gulch"), c/o Larry K. Woods, II, Director, 768 Valderamma Ct., Castle Rock, CO 80108, [lkwoods@earthlink.net](mailto:lkwoods@earthlink.net) (316) 440-4653. Collectively, Vail and Bear Gulch may be referred to herein as "Co-Applicants." Please direct all pleadings to Co-Applicants to counsel listed in the above case caption. 2. **Name of water right:** Jouflas Spring No. 39 First Enlargement. 3. **Overview:** The Jouflas Spring No. 39 First Enlargement was originally decreed for 3 cubic feet per second ("cfs"), conditional. Vail owns an undivided 65.7 percent interest in this water right, and Bear Gulch owns an undivided 29.3 percent interest. Bear Gulch is one of the co-owners of the remaining undivided 5 percent interest. This Application seeks a finding of reasonable diligence for the remaining conditional portion of the subject water right for all decreed amounts and uses. 4. **Description of conditional water right:** 4.1. **Decrees:** Jouflas Spring No. 39 First Enlargement was originally decreed by the District Court in and for Water Division No. 5, State of Colorado ("Water Court") in Case No. 94CW288 on May 30, 1995. Subsequent decrees entering findings of reasonable diligence or making portions absolute were entered in Case Nos. 01CW142 on January 30, 2003 (the "01CW142 Decree"), 09CW05 on October 21, 2010, and 16CW3127 on April 16, 2017, 4.2. **Legal description of structure:** Jouflas Spring No. 39 is located in the SW1/4 NW1/4, Section 27, Township 4 South, Range 83 West, 6th P.M. at a point 3,100 feet from the south section line and 4,200 feet from the east section line of said Section 27. The location of this structure is generally depicted on the map attached hereto as **Exhibit A**, 4.3. **SOURCE: SPRING TRIBUTARY TO THE EAGLE RIVER, TRIBUTARY TO THE COLORADO RIVER**, 4.4. **Appropriation date:** August 15, 1991, 4.5. **Beneficial use:** The spring is used to fill the Jan Jouflas Pond for domestic, irrigation, fire protection, commercial, recreation, piscatorial, and storage purposes. Irrigation is for 100 acres located in Section 22, Township 4 South, Range 83 West, 6th P.M., 4.6. **Amounts decreed:** Originally decreed for 3.0 cfs, conditional. In the 01CW142 Decree, the Water Court decreed 0.5 cfs absolute for piscatorial, storage, recreation, and fire protection uses and decreed Bear Gulch's 29.3% interest (0.879 cfs) absolute for domestic purposes, 4.7. **Remark:** The subject water right was decreed in the 01CW142 Decree as part of an integrated water supply for Co-Applicants' respective projects pursuant to C.R.S. § 37-92-301(4)(b). For example, the spring fills the Jan Jouflas Pond, which is a decreed augmentation source for the Bear Gulch augmentation plan in Case No. 94CW83 and a decreed source for Vail's augmentation plan in Case No. 97CW298. 5. **Request for finding of reasonable diligence:** Co-Applicants request a finding of reasonable diligence for all remaining conditional amounts and uses associated with the Jouflas Spring No. 39 First Enlargement water right. 6. **Detailed outline of work performed to complete application of water to beneficial use:** During the subject diligence period from April 2017 until the present date, Co-Applicants' efforts toward development of the Jouflas Spring No. 39 First Enlargement water right include, but were not limited to, the following: 6.1. As stated in Paragraph 6 of the 01CW142 Decree, the subject water right is part of an integrated water supply system used by Vail to provide water service to the Red Sky Ranch development. Red Sky Ranch is a 780-acre residential and golf course development,

which includes homes, two golf courses, open space, and other recreational amenities. The subject water right is necessary to meet the water demands at Red Sky Ranch within the development area. Vail has engaged in numerous activities during the relevant diligence period that demonstrate diligence toward the application of the water right to the decreed beneficial uses and has incurred significant expense in investigations and capital improvements related to its water supply facilities in order to provide a dependable legal and physical supply of water for the Red Sky Ranch development. All such expenditures are necessary steps in the development of Vail's Red Sky Ranch integrated system and the subject water right in particular, 6.2. Vail has incurred significant expenses in the further planning, development, and construction of residential and golf course improvements at Red Sky Ranch. The subject water right continues to be used to fill the Jan Joufflas Pond, 6.3. As part of its integrated system, Vail has incurred approximately \$134,000 in expenditures to maintain water rights infrastructure associated with Red Sky Ranch. This includes performing regular maintenance of the diversion intake structure for the Vail-Joufflas Eagle River Diversion at an expense of over \$25,000, including cleanout efforts and ice prevention system maintenance and upgrades. The Vail-Joufflas Eagle River Diversion is used to supply raw water for irrigation at Red Sky Ranch, including for golf course irrigation. Additionally, Vail spent over \$106,000 on maintenance, upgrades, and repairs of the pumping and delivery systems associated with those structures and water rights, 6.4. Since the last diligence application was filed, additional new homes have been constructed in the Red Sky Ranch residential development. The water treatment plant at Red Sky Ranch has been continuously maintained and repaired with funds provided by the Holland Creek Metropolitan District, 6.5. Vail has operated the plans for augmentation for the Red Sky Ranch development decreed in Case Nos. 97CW298, 99CW168, and 03CW42, which include augmentation and out-of-priority evaporation of Jan Joufflas Pond, filled by Joufflas Spring No. 39, 6.6. Vail has adjudicated several other applications for water rights in Water Division No. 5 for the Red Sky Ranch development that are part of the integrated water supply system for the development, including decrees in Case Nos. 17CW3036, 18CW3157, 19CW3163, 19CW3171, and 20CW3065 (pending), 6.7. During the diligence period, Bear Gulch has applied to make ground water rights that supply the subdivision absolute in Case No. 22CW3093. The subject water right fills the Jan Joufflas Pond decreed in Case No. 94CW83 to augment depletions associated with the ground water rights, 6.8. Co-Applicants regularly monitor the filings of other water users and have incurred legal and engineering costs in connection with numerous cases to protect the water rights that are part of the Red Sky Ranch development, 6.9. Co-Applicants continue to rely upon the subject water right and have no intention of abandoning it. 7. **Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Not applicable. No new or modified diversion or storage structures will be constructed. WHEREFORE, Co-Applicants respectfully requests that the Court enter an order (1) granting Co-Applicants' request for a finding of reasonable diligence as described in Paragraph 5; and (2) granting such other and further relief as deemed appropriate.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**21. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**23CW3053 GRAND COUNTY**, Application for Groundwater Rights, Change of Water Right, and Claim for Approval of Plan for Augmentation. 1. Applicant: Tabernash Meadows Water and Sanitation District (the "District"), c/o Thom Yoder, District Manager, P.O. Box 443, Tabernash, Colorado 80478, Telephone: (970) 726-2839. Please direct all correspondence or pleadings to: David L. Kueter, #26136, Kent H. Holsinger, #33907, Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, Colorado 80202, Telephone: (303) 722-2828. 2. Introduction: The District provides water and wastewater service to a development located in Sections 1 and 2, Township 1 South, Range 76 West of the 6th P.M. Portions of the District's water service area are served by three wells which are covered by the plan for augmentation decreed in Case No. 80CW298, as amended in Cases Nos. 97CW218 and 01CW176. By this application, the District seeks to adjudicate underground water rights for its existing and anticipated future wells, a change of previously quantified water rights for use in the District's augmentation plan, and an enlarged augmentation plan to cover uses within the District's water service area as it currently exists and may exist in the future. I. CLAIM FOR TRIBUTARY GROUNDWATER RIGHTS. 3. Names of Structures: a. TMWSD Well No. 1 (55036-F); b. TMWSD Well No. 2 (74508-F); c. Troublesome Well No. 1 (61836-F); d. TMWSD Well No. 3; e. TMWSD Well No. 4; f. TMWSD Well No. 5 (collectively, the "TMWSD Wells"). 4. Description of Groundwater Rights: a. TMWSD Well No. 1: i. Well Permit No.: 55036-F (Exhibit C hereto). ii. Legal Description: Located in the NE1/4 NE1/4, Section 2, Township 1 South, Range 76 West, 6th P.M. at a point 4,410 feet from the South section line and 237 feet from the East section line; or Easting 427311.0, Northing 4427311.6, UTM, Zone 13N, NAD 83. The location of this structure is shown on the map attached as Exhibit A. iii. Source: Groundwater tributary to the Fraser River, tributary to the Colorado River. iv. Depth: 60 feet. v. Appropriation Date: October 28, 1981. 1. How appropriation was initiated: By inclusion of the well in the District's plan for augmentation decreed in Case No. 80CW298. 2. Date water was applied to beneficial use: May 17, 2001. vi. Amount: 200 g.p.m. absolute. Annual amount 113.9 a.f., in combination with TMWSD Well No. 2. vii. Use: All municipal purposes, including domestic, irrigation, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, sewage treatment, street sprinkling, irrigation

of parks, lawns and grounds, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation, replacement, and adjustment and regulation of the District's water supply system by exchange within the system and with other water users. The District has the right to use, reuse, successively use and dispose of, by sale, exchange or otherwise to extinction all water lawfully diverted and/or impounded pursuant to any decree entered in this case. The place of use shall be the District's service area as it currently exists and as it may exist in the future. The District's current service area is shown on Exhibit B hereto, including potential areas of expansion. viii. Remarks: TMWSD Well No. 1 is an alternate point of diversion for TMWSD Well No. 2. b. TMWSD Well No. 2: i. Well Permit No.: 74508-F (Exhibit D hereto). ii. Legal Description: Located in the SE1/4 NE1/4, Section 2, Township 1 South, Range 76 West, 6th P.M. at a point 2,330 feet from the North section line and 215 feet from the East section line; or Easting 427317.7, Northing 4427310.3, UTM, Zone 13N, NAD 83. The location of this structure is shown on the map attached as Exhibit A. iii. Source: Groundwater tributary to the Fraser River, tributary to the Colorado River. iv. Depth: 64 feet. v. Appropriation Date: October 28, 1981. 1. How appropriation was initiated: By inclusion of the well in the District's plan for augmentation decreed in Case No. 80CW298. 2. Date water was applied to beneficial use: October 21, 2010. vi. Amount: 100 gpm absolute. Annual amount 113.9 a.f., in combination with TMWSD Well No. 2. vii. Use: See Paragraph 4(a)(vii) above. viii. Remarks: TMWSD Well No. 2 is an alternate point of diversion for TMWSD Well No. 1. c. Troublesome Well No. 1: i. Well Permit No.: 61836-F (Exhibit E hereto). ii. Legal Description: Located in the SW1/4 NE1/4, Section 2, Township 1 South, Range 76 West, 6th P.M. at a point 2,100 feet from the North section line and 1,600 feet from the East section line; or Easting 426895.9, Northing 4427391.2, UTM, Zone 13N, NAD 83. The location of this structure is shown on the map attached as Exhibit A. iii. Source: Groundwater tributary to the Fraser River, tributary to the Colorado River. iv. Depth: 518 feet. v. Appropriation Date: July 30, 2001. 1. How appropriation was initiated: By inclusion of the well in the District's plan for augmentation pursuant to the decree in Case No. 01CW176. 2. Date water was applied to beneficial use: March 31, 2005. vi. Amount: 100 gpm absolute. Annual amount 161 a.f. vii. Use: See Paragraph 4(a)(vii) above. d. TMWSD Well No. 3: i. Well permit no.: n/a. ii. Location: TMWSD Well No. 3 will be located in Section 2, Township 1 South, Range 76 West of the 6th P.M. at Easting 427192.46, Northing 4427085.47, UTM, Zone 13N, NAD 83. See Exhibit A. iii. Source: Groundwater tributary to the Fraser River, tributary to the Colorado River. iv. Appropriation date: April 28, 2023. 1. How appropriation was initiated: By the filing of this application. 2. Date water was applied to beneficial use: n/a. v. Amount: 100 g.p.m., conditional. vi. Use: See Paragraph 4(a)(vii) above. e. TMWSD Well No. 4: i. Well permit no.: n/a. ii. Location: TMWSD Well No. 4 will be located in Section 2, Township 1 South, Range 76 West of the 6th P.M. at Easting 427194.05, Northing 4426984.44, UTM, Zone 13N, NAD 83. See Exhibit A. iii. Source: Groundwater tributary to the Fraser River, tributary to the Colorado River. iv. Appropriation date: April 28, 2023. 1. How appropriation was initiated: By the filing of this application. 2. Date water was applied to beneficial use: n/a. v. Amount: 100 g.p.m., conditional. vi. Use: See Paragraph 4(a)(vii) above. f. TMWSD Well No. 5: i. Well permit no.: n/a. ii. Location: TMWSD Well No. 5 will be located in Section 2, Township 1 South, Range 76 West of the 6th P.M. at Easting 427245.40, Northing 4426549.93, UTM, Zone 13N, NAD 83. See Exhibit A. iii. Source: Groundwater tributary to the Fraser River, tributary to the Colorado River. iv. Appropriation date: April 28, 2023. 1. How appropriation was initiated: By the filing of this application. 2. Date water was applied to beneficial use: n/a. v. Amount: 100 g.p.m., conditional. vi. Use: See Paragraph 4(a)(vii) above. II. CHANGE OF WATER RIGHTS. 5. Decreed water rights for which change is sought: a. Pearl Ditch: 11.84 a.f. of previously quantified historical consumptive use ("HCU") credits in the Pearl Ditch either used directly or following storage in Pole Creek Meadows Reservoir No. 1 described in paragraph 6.d., below. A description of the Pearl Ditch water right follows: i. Original Decree: The Pearl Ditch was originally decreed in Grand County District Court in and for Water Division 5, State of Colorado ("Water Court") in Civil Action No. 112 on August 11, 1906. ii. Prior Change Decrees: In Case No. 80CW67 (consolidated with Case Nos. 80CW456 and 84CW175), and as amended by 95CW354, the Water Court quantified the historic annual consumptive use associated with 1.445 c.f.s. of the Pearl Ditch to be 20.05 a.f. annually. By deeds dated March 19, 2012 (Reception No. 2012003834), June 15, 2012 (Reception No. 2012005441), February 12, 2019 (Reception No. 2012001080), and December 13, 2019 (Reception No. 2019010934) Valley at Winter Park Water District ("VWPWD") conveyed to the District 11.84 a.f. of Pearl Ditch HCU previously quantified in Case No. 80CW67. The prior quantification of HCU credits in the Pearl Ditch may not be reconsidered or requantified in these circumstances pursuant to C.R.S. § 37-92-305(3)(e). iii. Original Legal Description: The headgate is located on the north bank of Pole Creek at a point whence the Southeast corner of Section 10, Township 1 South, Range 76 West of the 6th P.M. bears N. 35°15' W. 1,311 feet The location of this structure is shown on the map attached as Exhibit A. iv. Decreed Source: Pole Creek, tributary to Fraser River, tributary to Colorado River. v. Appropriation Date: May 19, 1891. vi. Amount: 0.85 c.f.s. out of a total 2.0 c.f.s. diversion rate decreed to the Pearl Ditch. vii. Uses: Irrigation, fire, domestic, and augmentation and replacement. b. Rich Ditch: 2.09 a.f. of previously quantified HCU credits in the Rich Ditch either used directly or following storage in storage in Pole Creek Meadows Reservoir No. 1. A description of the Rich Ditch water right follows: i. Original Decree: The Rich Ditch was originally decreed in Grand County District Court in and for Water Division 5, State of Colorado ("Water Court") in Civil Action No. 183 on August 3, 1911. ii. Prior Change Decrees: In Case No. 80CW67 (consolidated with Case Nos. 80CW456 and 84CW175), and as amended by 95CW354, the Water Court quantified the historic annual consumptive use associated with 0.891 c.f.s. of the Rich Ditch to be 30.58 a.f. annually or 0.9 a.f. per acre per year. By deed dated December 13, 2019 (Reception No. 2019010934), VWPWD conveyed to the District 2.09 a.f. of Rich Ditch HCU previously quantified in Case No. 80CW67. The prior quantification of HCU credits in the Rich Ditch may not be reconsidered or requantified in these circumstances pursuant to C.R.S. § 37-92-305(3)(e). iii. Original Legal Description: The headgate is located on the west bank of Crooked Creek at a point whence the NE corner, Section 4, Township 1 S., Range 76 W., of the 6th P.M., bears N. 15° E. 2,600 feet. The location of this structure is shown on the map attached as Exhibit A. iv. Decreed Source: Crooked Creek, tributary to Fraser River, tributary to Colorado River. v. Appropriation Date: May 5, 1892. vi. Amount: 0.06 c.f.s. out of a total 3.75 c.f.s. diversion rate decreed to the Rich Ditch. vii. Uses: Irrigation, fire, domestic, and augmentation and replacement. 6. Description of proposed changes: The previously quantified HCU for the water rights in paragraph 5, above, will be changed for use in

the District's plans for augmentation, including the plan sought in this application. III. CLAIM FOR APPROVAL OF PLAN FOR AUGMENTATION. 7. Structures to be Augmented: TMWSD Well No. 1, TMWSD Well No. 2, Troublesome Well No. 1, TMWSD Well No. 3, TMWSD Well No. 4, and TMWSD Well No. 5, as described in Paragraph 4, above. 8. Water Rights to be used for Augmentation: a. 11.84 a.f. of Pearl Ditch HCU credits described in paragraph 5.a., above, directly or by release from storage in Pole Creek Meadows Reservoir No. 1. b. 2.09 a.f. of Rich Ditch HCU credits described in paragraph 5.b., above, directly or by release from storage in Pole Creek Meadows Reservoir No. 1. c. 4.32 a.f. of Pearl Ditch HCU credits and 13.52 a.f. of Rich Ditch HCU credits previously changed in Case No. 80CW298, to the extent said credits are not needed for the augmentation plan decreed in Case No. 80CW298, as amended by the decrees in Cases Nos. 97CW218 and 01CW176. d. Water stored by the District in Pole Creek Meadows Reservoir No. 1, including under the decree in Case No. 85CW148. The right abutment of the dam is located in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, Township 1 South, Range 76 West of the 6th P.M. at a point whence the Southeast Corner of said Section 2 bears S24°00'E 1,740 feet. The location of this structure is shown on the map attached as Exhibit A. The source of water is Pole Creek via the Pearl Ditch, tributary to the Fraser River, tributary to the Colorado River. e. Seepage from Pole Creek Meadows Reservoir and lawn irrigation return flows after quantification in a separate proceeding. f. Addition of New Sources of Augmentation Water: Applicant seeks the ability to add future sources of augmentation water to this augmentation plan that are lawfully available for augmentation subject to future administrative approval as may be required. 9. Description of Plan for Augmentation. Under this plan for augmentation, the District will pump water at the TMWSD Wells for uses within the District's service area as it currently exists and may exist in the future. Return flows from use of the wells will return to the river at the outfall of the Tabernash Meadows Water and Sanitation District's wastewater treatment facility and will offset the District's depletions at or below said outfall, located at a point in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 1, Township 1 South, Range 76 West of the 6th P.M., at a location 2,499 feet from the East section line and 824 feet from the North section line; or, Easting 428224.7, Northing 4427779.4, UTM, Zone 13N, NAD 83. To the extent the well depletions are out of priority, said depletions will be replaced with water from the sources described in paragraph 8, above. This plan will fully augment all out-of-priority depletions in time, location, quality, and amount, as required by law. The District's current service area is shown on Exhibit B hereto, along with potential areas of future expansion. The District also provides water to the East Grand County Fire Protection District for fire-fighting purposes outside of the District's boundaries within the Old Town of Tabernash, which use will be covered by this plan for augmentation. 10. Name and address of the owners(s) of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: a. TMWSD Well No. 1, TMWSD Well No. 2, Troublesome Well No. 1, TMWSD Well No. 3, TMWSD Well No. 4, and Pole Creek Meadows Reservoir No. 1: Pole Creek Valley Owners Association, P.O. Box 1758, Winter Park, CO 80482-1758. b. TMWSD Well No. 5: Scott Bradley, 8301 Prentice Ave. #303, Greenwood Village, CO 80111. WHEREFORE, the District respectfully requests that the Water Court issue a final decree granting the (1) claim for absolute and conditional tributary groundwater rights; (2) claim for change of water rights; (3) claim for approval of a plan for augmentation; and (4) granting such other and further relief as may be appropriate. (Number of pages of Application: 16 pages, including 5 pages of exhibits.)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**22. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**23CW3054 GARFIELD COUNTY. Application to Make Absolute and for Finding of Reasonable Diligence.** Applicant: TSSQ, LLC, 1225 County Road 226, Rifle, Colorado 81650. Attorney for Applicant: John T. Howe, Hoskin, Farina & Kampf, Professional Corporation, Post Office Box 40, Grand Junction, Colorado 81502; (970) 986-3400. Original Decree: Case No. 2000CW276, December 28, 2001, Water Division 5. Subsequent Decrees Finding Diligence: Case No. 2007CW240, Water Division No. 5, October 11, 2010; Case No. 2016CW3130, Water Division No. 5, April 16, 2017. Name of Structure: Stark Well. Associated Well Permit: 62132-F. **Source: groundwater tributary to Elk Creek, tributary to the Colorado River.** Location: NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, T 5 S, R 91 W of the 6th P.M., 1180 feet from the North Section line and 1140 feet from the West Section line. Uses: domestic, commercial, livestock watering. Appropriation Date: October 17, 2000. Quantity: 0.033 c.f.s (1.3 acre feet annually) conditional. Name of Structure: Creekside Ranch Well No. 1. **Source: groundwater tributary to Elk Creek, tributary to the Colorado River.** Location: NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, T 5 S, R 91 W of the 6th P.M., 750 feet from the North Section line and 400 feet from the West Section line. Uses: domestic, commercial, livestock watering. Appropriation Date: October 17, 2000. Quantity: 0.033 c.f.s (1.3 acre feet annually) conditional. Name of Structure: Creekside Ranch Well No. 2. **Source: groundwater tributary to Elk Creek, tributary to the Colorado River.** Location: NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, T 5 S, R 91 W of the 6th P.M., 750 feet from the North Section line and 750 feet from the West Section line. Uses: domestic, commercial, livestock watering. Appropriation Date: October 17, 2000. Quantity: 0.033 c.f.s (1.3 acre feet annually) conditional. Name of Structure: Oak Grove Ditch Creekside Ranch Enlargement. **Source: groundwater tributary to Elk Creek, tributary to the Colorado River.** Location: SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 24, T 5 S, R 91 W of the 6th P.M., 2700 feet from the North Section line and 2000 feet from the West Section line. Uses: fill pond, commercial, livestock watering, domestic, fire protection, augmentation. Appropriation Date: October

17, 2000. Quantity: 0.25 c.f.s conditional. Name of Structure: Creekside Ranch Pump and Pipeline. Source: Elk Creek, tributary to the Colorado River. Location: NW¼ NW¼, Section 25, T 5 S, R 91 W of the 6th P.M., 900 feet from the North Section line and 50 feet from the West Section line. Uses: fill pond, commercial, livestock watering, domestic, fire protection, augmentation. Appropriation Date: October 17, 2000. Quantity: 0.25 c.f.s conditional. Name of Structure: Creekside Ranch Pond. Source: local runoff and Elk Creek, tributary to the Colorado River. The Creekside Ranch Pond will be filled with water through the Creekside Ranch Pump and Pipeline and the Oak Grove Ditch Creekside Ranch Enlargement. Location: NW¼ NW¼, Section 25, T 5 S, R 91 W of the 6th P.M., 950 feet from the North Section line and 120 feet from the West Section line. Uses: augmentation, domestic, livestock watering, fire protection, commercial. Appropriation Date: October 17, 2000. Quantity: 0.75 acre feet conditional. Notes: The conditional water rights that are the subject of this Application are intended to be part of an integrated system serving the same property. Diligence on a portion of the system constitutes diligence on the whole system. The Application contains a detailed description of the work performed during the diligence period. Applicant seeks a decree making the Stark Well absolute in the amount of 0.033 c.f.s. (1.3 acre feet annually) for the decreed uses and requests findings of reasonable diligence for the conditional rights decreed to Creekside Well No. 1, Creekside Well No. 2, Oak Grove Ditch Creekside Ranch Enlargement and Creekside Ranch Pond.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**23. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**23CW4 (16CW15) GARFIELD COUNTY – SPRINGS AND RUNOFF TRIBUTARY TO WEST ELK CREEK TRIBUTARY TO MAIN ELK CREEK TRIBUTARY TO THE COLORADO RIVER.** KDB, LLLP; 4450 C.R. 245; New Castle, CO 81647. (970)618-7328. Wilcox Pond No. 2- Application for Finding of Reasonable Diligence. Location: The center of the dam of Wilcox Pond No. 2 is located 2150 feet from the east section line and 200 feet from the north section line of Section 18, Township 5 South, Range 91 West of the 6th P.M. The UTM's: E273006 N4389044 Z13. Appropriation date: June 23, 1994. Amount: 65.0 a.f., conditional. Uses: piscatorial, fire protection, irrigation of 40 acres, livestock water, domestic and augmentation purposes. An outline of work completed during in the diligence period is included in the application.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**